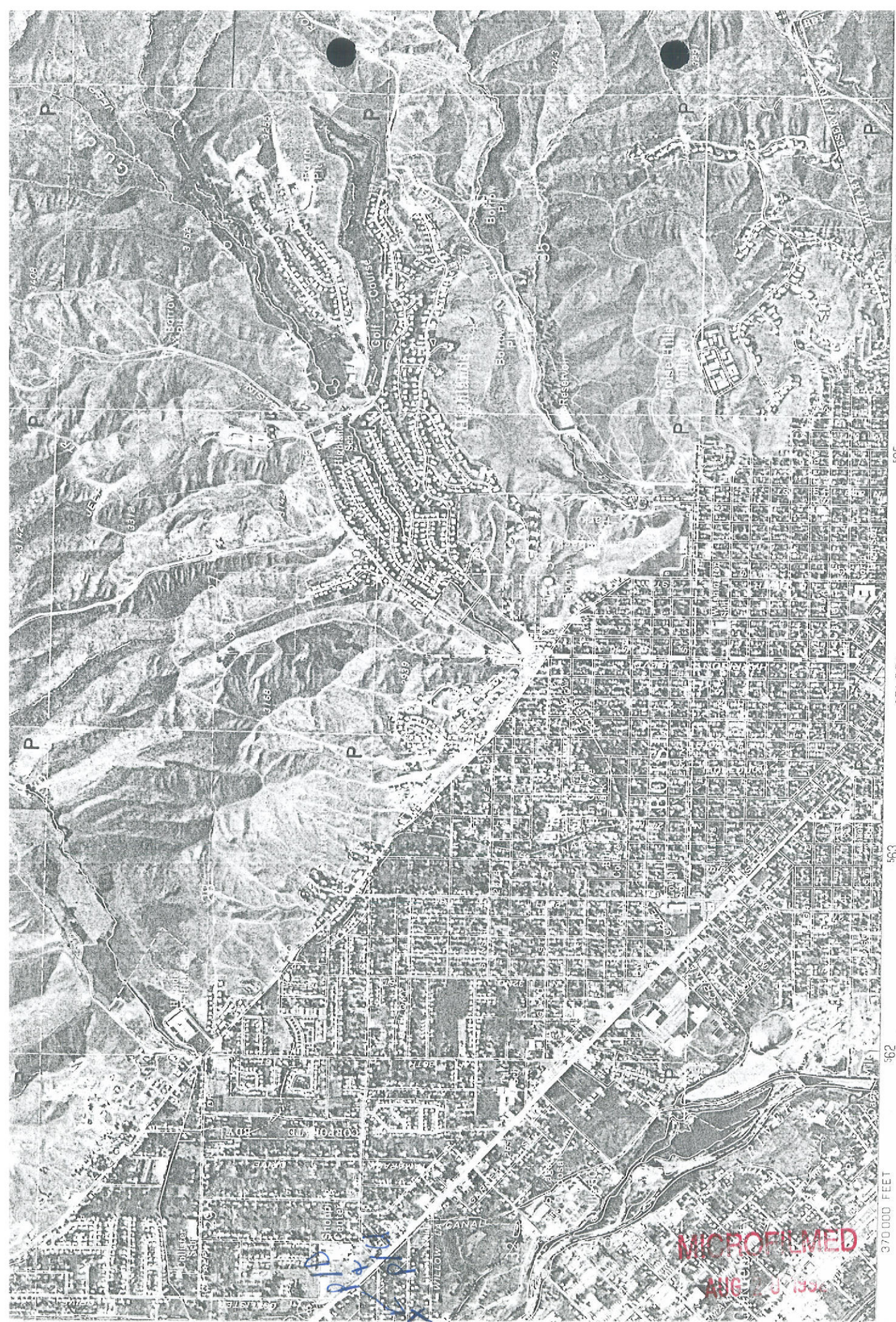




370,000 FEET

562

563

564

565

566

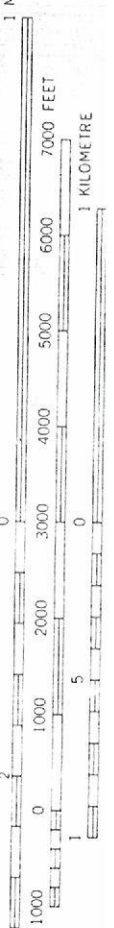
567

1C

duced by the Geological Survey
cooperation with the U.S. Forest Service
hophotograph prepared from 1:80,000-scale
ial photographs taken Sept. 4, 1975
ection and 10 000-foot grid stake. Data

T4N, R2E Sec. 32; NW. NW
AG3-04348

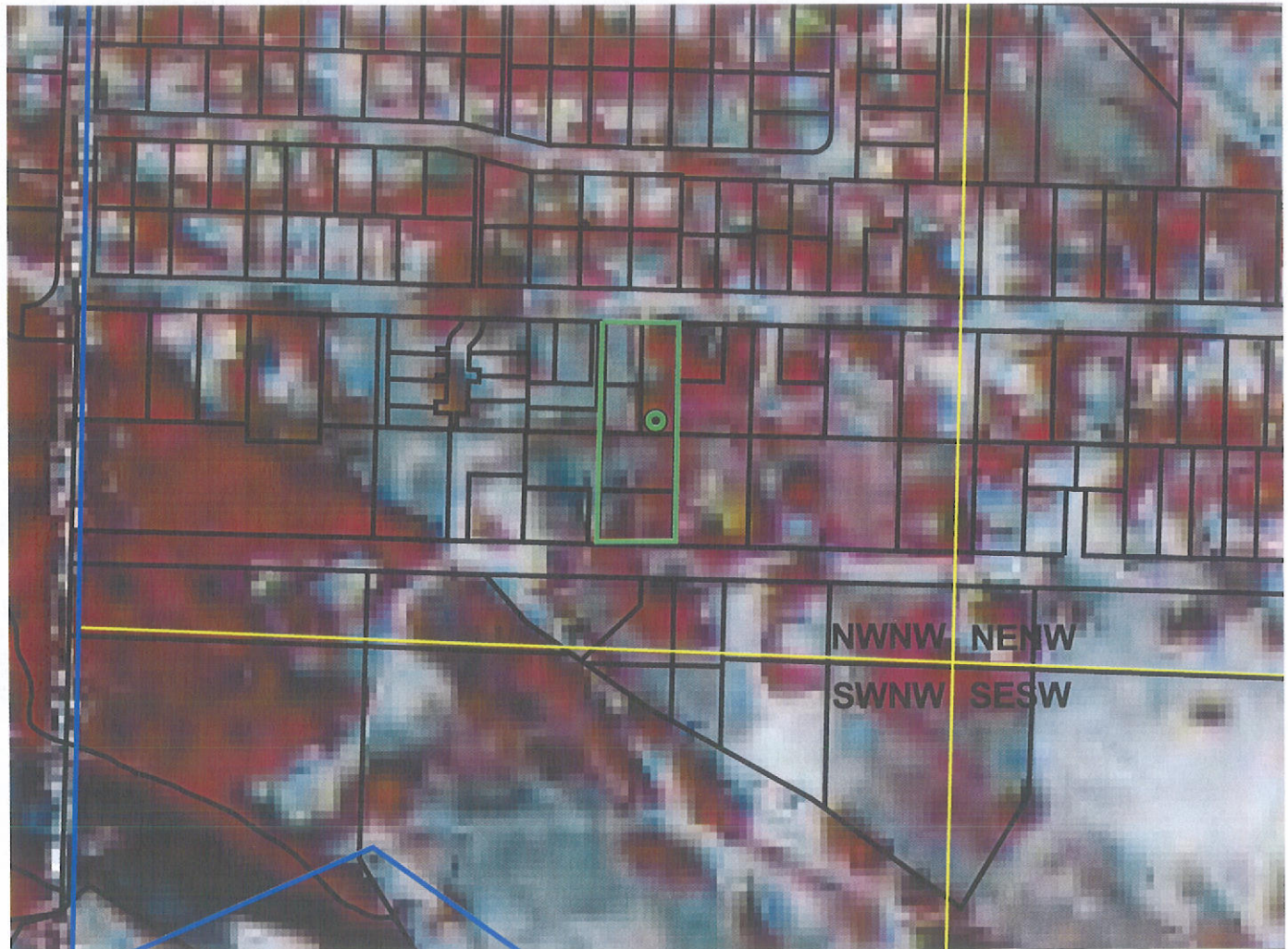
SCALE 1:24 000





State of Idaho
Idaho Department of Water Resources
Western Region

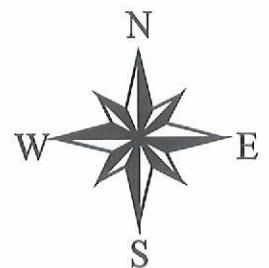
T4N R2E SECTION 32
Water Right(s) : 63-4348



0

1320 Feet

TOTAL IRRIGATED ACRES = 1.0



-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: September 2004



State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 32
Water Right(s) : 63-4348



● Point of Diversion

□ Place Of Use

□ Quarter Quarter Lines

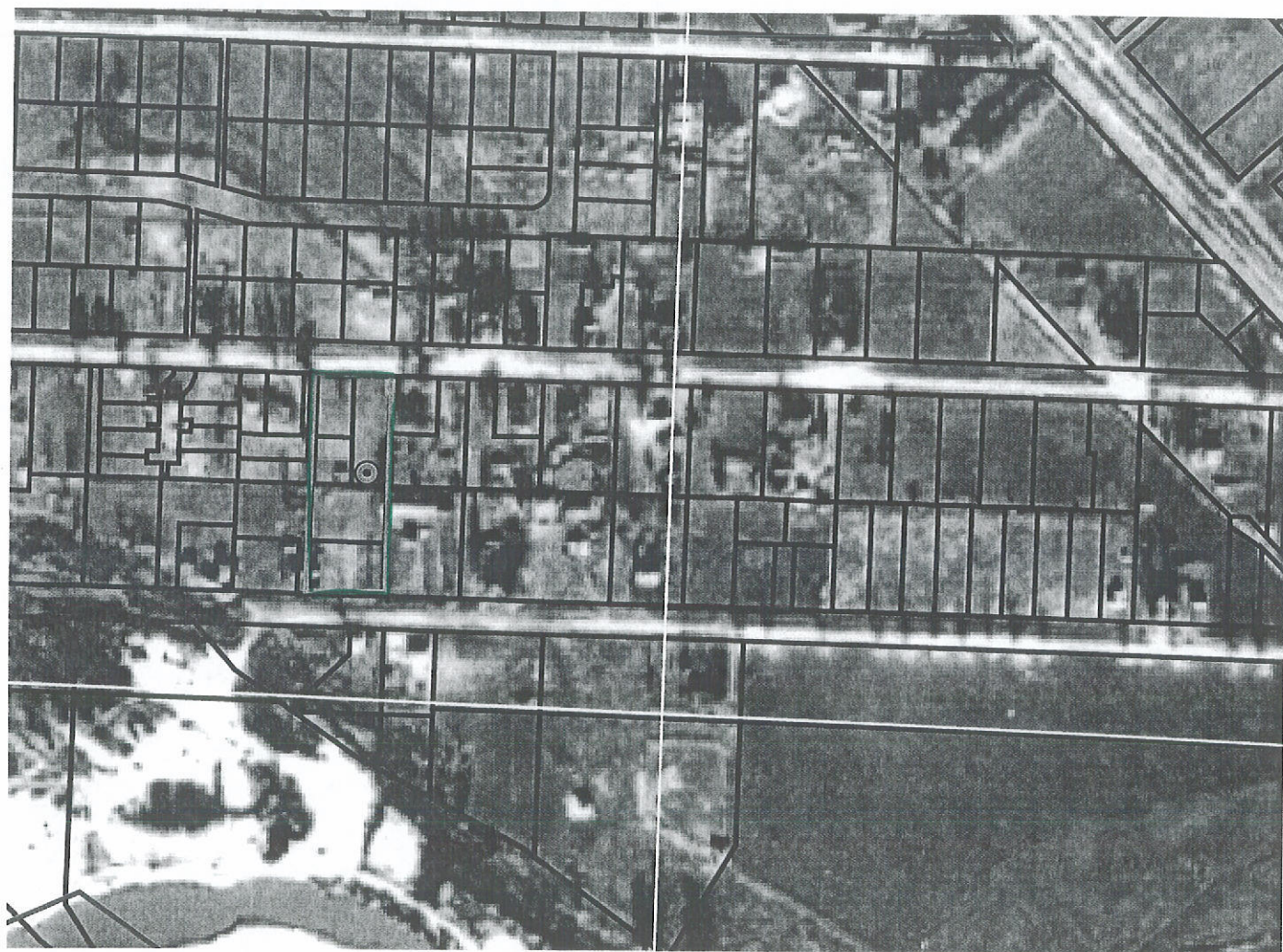
□ Section Lines

GIS Place of Use Illustration
1939 aerial photography
Prepared By: Vicky Music
Date: September 2004

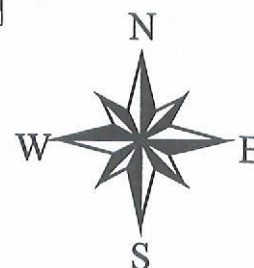


State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 32
Water Right(s) : 63-4348



600 0 600 Feet

A horizontal scale bar with alternating black and white segments, indicating distances of 600 feet on either side of the zero point.

- ⊙ Point of Diversion
- Place Of Use
- Quarter Quarter Lines
- Section Lines

GIS Place of Use Illustration
1939 aerial photography
Prepared By: Vicky Music
Date: September 2004

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: A63-04348
Date Received: 6/30/1989
Receipt No: W003442
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN AND GRACE SUMMERS TRUST 208-853-3031
Address: C/O M ELIZABETH HENRY, TRUSTEE
7374 N. BOGART
BOISE, ID 83703

2. Date of Priority: JUN 01, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	32		NW	NW		ADA

5. Description of diverting works:
PUMP AND PIPELINE TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		
DOMESTIC	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:
D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	32	NW	NW		IRR	1.0
Section Acres							1.0

A63-04348

Page 1

Date: 06/30/89

MICROFILMED
AUG 20 1992

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/D & P/U LOT 23, ALAMOSA SUBN.

15. Basis of Claim: STATUTORY CLAIM

(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.

For Individuals:

Signature of Claimant(s): Elizabeth Henry Date: June 30, 1989
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of June 19 89 Linda W.
Notary Public

Linda Warner
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W003442	51.00	63	4348		Claim
W003442	51.00	63	4347		Claim
W003442	52.00	63	4346		Claim

09/13/2004

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

RIGHT NUMBER: 63-4348

NAME AND ADDRESS: JOHN AND GRACE SUMMERS TRUST
C/O M ELIZABETH HENRY TRUSTEE
7374 N BOGART
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
4.500 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1935

POINT OF DIVERSION:

T04N R02E S32 NWNW Within ADA 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
IRRIGATION	03/01 11/15	0.030 CFS 4.50 AFY

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S32 NWNW 1.0

DOMESTIC same as IRRIGATION

1 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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use



State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 32
Water Right(s) : 63-4348

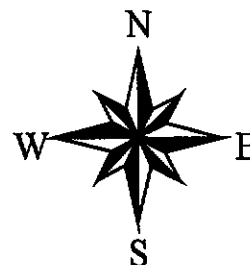


0

1320 Feet



TOTAL IRRIGATED ACRES = 1.0



Point of Diversion



Place Of Use



Quarter Quarter Lines



Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: September 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4348 V1

WATER RIGHT NUMBER: 63-4348 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN AND GRACE SUMMERS TRUST C/O M ELIZABETH HENRY TRUSTEE 7374 N BOGART BOISE, ID 83703 (208)853-3031
Original Owner	JOHN R SUMMERS BOGART LN RT 1 BOX 228 BOISE, ID 83702
Original Owner	GRACE B SUMMERS BOGART LN RT 1 BOX 228 BOISE, ID 83702

Priority Date: 06/01/1935

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/01 to 11/15	0.030 CFS	4.50 AF
	<u>Total Diversion:</u>	0.050 CFS	4.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 32, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	32						1.0											1.0

Total Acres: 1

DOMESTIC same as IRRIGATIONConditions 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. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4348 V1

3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home.

Remarks:Comments:

1. vmusic 9/13/2004 GENERAL

Comment: This property was sold in 1997 and developed into low income duplexes according to the trustee. The address and parcel no. associated with this right no longer exists.

2. vmusic 9/13/2004 QUANTITY

Comment: I reduced Q from the 0.08 claimed as it was excessive for 1 acre to 0.05 [.02 dom and .03 irr.].

3. vmusic 9/13/2004 PRIORITY DATE

Comment: The original owners and original claimants are dead. The trustee, Elizabeth Henry, is the daughter of the claimants and she is 81 years old. She got her information from her parents. Based on her statement and a 1939 aerial photo which shows a house, I recommended the priority date as claimed.

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: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits: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	9/13/2004 9:41:09 AM	vmusic			Active
POD	9/13/2004 9:41:27 AM	vmusic			Active
Source	9/13/2004 9:42:50 AM	vmusic			Active
POU	9/13/2004 9:43:44 AM	vmusic			Active
Use	9/13/2004 9:47:09 AM	vmusic			Active
Season	9/13/2004 9:48:05 AM	vmusic			Active
Quantity	9/13/2004 9:53:42 AM	vmusic			Active
Summary			09/13/2004	vmusic	Active
Summary			09/13/2004	vmusic	Active
Summary			09/13/2004	vmusic	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4348 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	9/13/2004 9:42:50 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - STATEMENT FROM CLAIMANT
POU	9/13/2004 9:43:45 AM	vmusic	(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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - STATEMENT FROM CLAIMANT AND ADA CO ASSESSOR TAX MAP.
POD	9/13/2004 11:45:45 AM	vmusic	Edited point location
Quantity	9/13/2004 9:53:42 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - DE MINIMUS. Description for Question 10 - (0.03)(1.9835)(260) = 15.47 afa or (4.5)(1) = 4.5 afa *
Summary	9/13/2004 11:21:29 AM	vmusic	(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? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4348 V1

Priority Date	9/13/2004 9:41:09 AM	vmusic	(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? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 13. Has additional evidence of priority date been submitted? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/13/2004 9:41:28 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD?
Use	9/13/2004 9:47:09 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - STATEMENT FROM CLAIMANT.
POU	9/13/2004 9:45:56 AM	vmusic	Edited shape boundary
Season	9/13/2004 9:48:06 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is Irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4348 V1

Summary	9/13/2004 11:39:41 AM	vmusic	(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? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right?
Summary	9/13/2004 11:39:53 AM	vmusic	(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? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

RECEIVED

SEP 14 2004

WATER RESOURCES
WESTERN REGION

RE claim # 63-4348

My parents, Grace and John Summers, filed this claim for the well located at 49^{p9} W Alamosa. My parents bought this property sometime in the 19⁵60s. They did not live on the property but bought it for rental property. It was used as rental property until approximately 1997. I don't have information regarding the property before my parents bought it other than what I learned from them.

When my parents bought the property, a small house was located in about the center of the lot. The well and well house was on the east side of the house. Water was piped to the house. I know that the residents had a truck garden and a few head of cattle and used the well water and a share in Boise Valley Irrigation for these purposes. About ½ of the lot was pasture.

The property was sold in 1997, the house was torn down and low-income duplexes were subsequently built on the lot.

*Boise City Housing Development
Candice Hoagland, Mgr.*

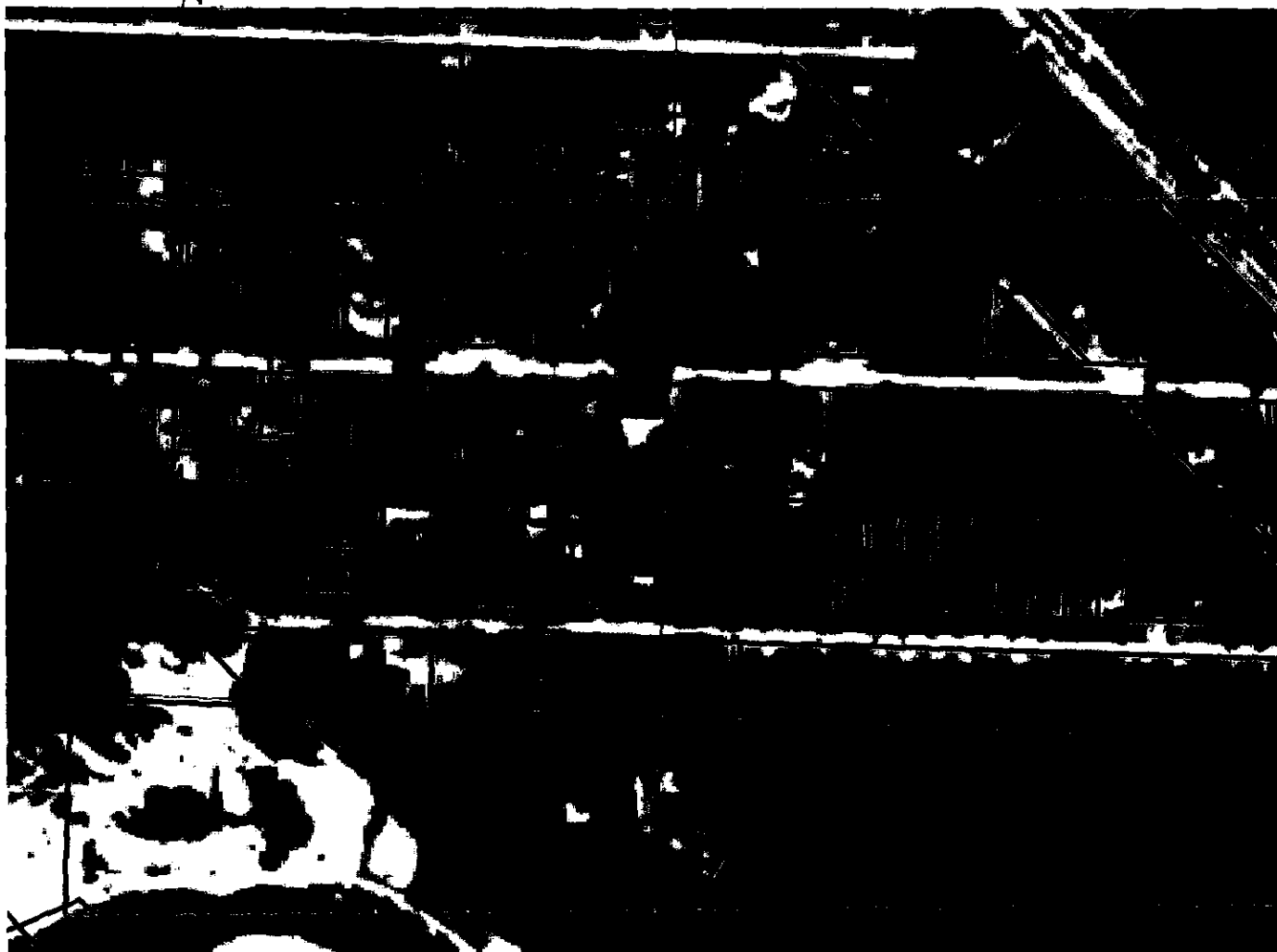
9-12-04
Date

M. Elizabeth Henry
Elizabeth Henry



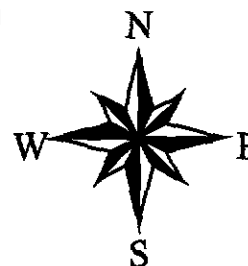
State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 32
Water Right(s) : 63-4348



*S. Willow
Lake
River side
Source
faced
North
toward
downstream*

600 0 600 Feet



- Point of Diversion
- Place Of Use
- Quarter Quarter Lines
- Section Lines

GIS Place of Use Illustration
1939 aerial photography
Prepared By: Vicky Music
Date: September 2004

RECEIVED

SEP 14 2004

WATER RESOURCES
WESTERN REGION



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

September 9, 2004

Elizabeth Henry
7374 N. Bogart
Boise, ID 83703

RE SRBA Claim No. 63-4348

Dear Elizabeth,

Enclosed is a statement I prepared after our two conversations this week about the claim filed by your parents. Please review and if there are errors, correct the information. Also, I have attempted to identify the location of the property on W. Alamosa associated with this claim. Will you please verify on the enclosed aerial photograph whether the location of the lot and the well are correct and send your signed statement and the map back to me? I have enclosed a self-addressed and stamped envelope. Thank you and please call me if you have additional questions.

Best Regards,

Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosures: statement
1939 aerial photo

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4348Owner: _____ Phone No. 853-3031

Current Address: _____

- ☐ No change NAME IS THE SAME * property sold in 1997, house torn down,
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? well assumed to be gone, duplicates (now measure housing?) developed on lot, address no longer exists.

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1935

(If priority date, based on your exam, seems questionable, explain below.)

no evidence in file

Source: _____ Tributary to _____

- ☐ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

sub claim**OVERLAP REVIEW**Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

- ☐ No change
☐ Different Uses

Use dom From _____ To _____ Amount .04 CFS _____ AFA
Use irr From 3/1 To 11/15 Amount .03 CFS 4.5 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

$$(.03)(1-.0825)(260) = 15.47 \text{ afa } \text{or}$$
$$(4.5)(1) = 4.5 \text{ afa } *$$

total .05 cfs 4.5 afa

TOTAL VOLUME – Groundwater only

- ☒ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: see claim

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

com property has been sold & developed into low income housing circa 1997.

clon ✓ x01 dam use for 1 house

✓ N12 N13

✓ N10 N11 paid abd. fee (\$51.-)

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- N/A
- ☒ Completed claim checklist
 - ☐ Photographs of POD's and POU
 - ☐ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

9-13-04

FIELD EXAMINER:

Wong Ling



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

September 9, 2004

Elizabeth Henry
7374 N. Bogart
Boise, ID 83703

RE SRBA Claim No. 63-4348

Dear Elizabeth,

Enclosed is a statement I prepared after our two conversations this week about the claim filed by your parents. Please review and if there are errors, correct the information. Also, I have attempted to identify the location of the property on W. Alamosa associated with this claim. Will you please verify on the enclosed aerial photograph whether the location of the lot and the well are correct and send your signed statement and the map back to me? I have enclosed a self-addressed and stamped envelope. Thank you and please call me if you have additional questions.

Best Regards,

A handwritten signature in black ink, appearing to read 'Vicky L. Music'.

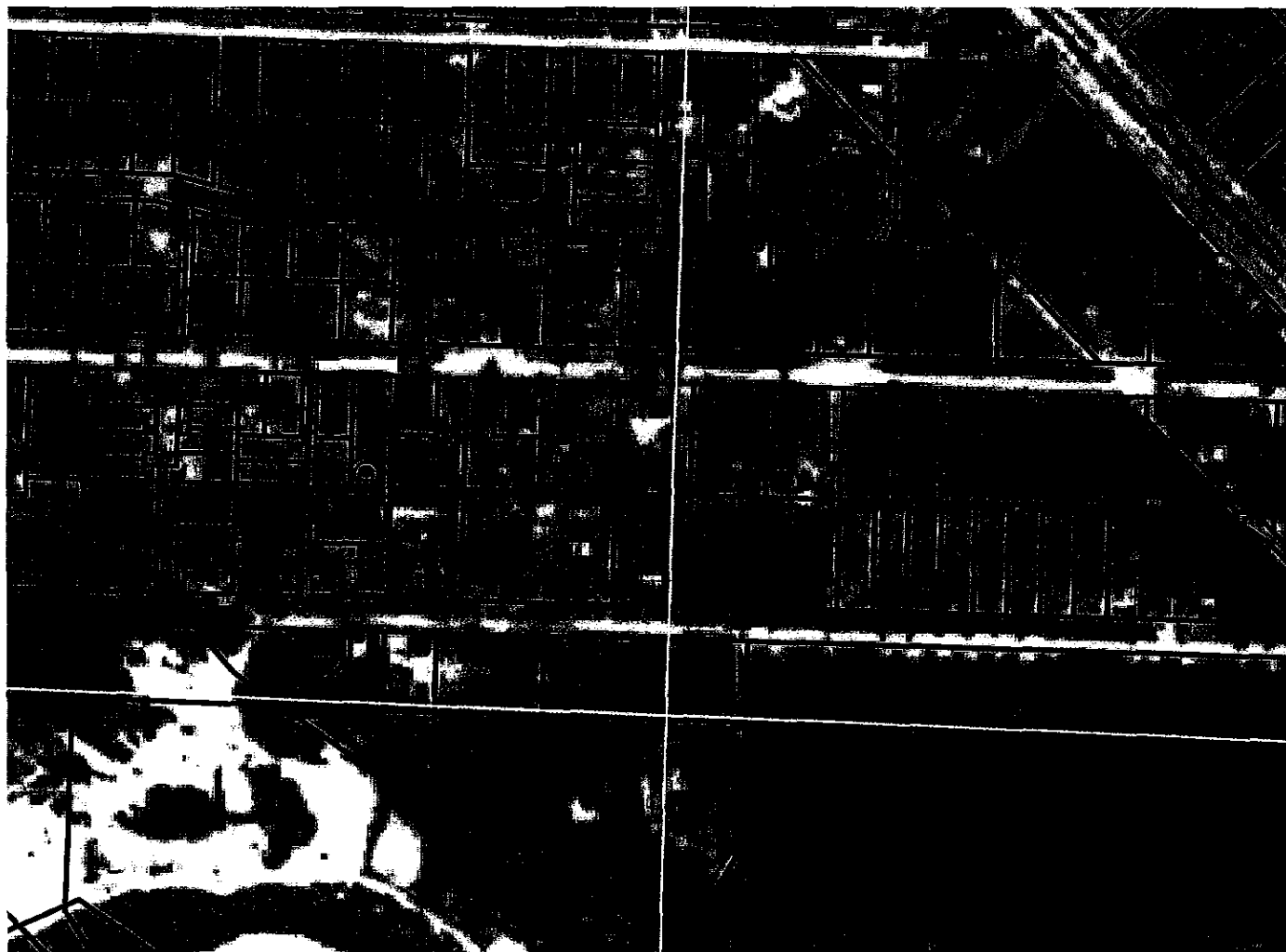
Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosures: statement
1939 aerial photo

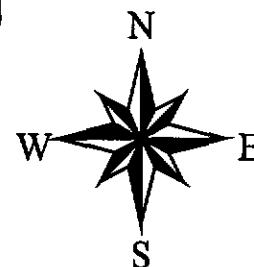


State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 32
Water Right(s) : 63-4348



600 0 600 Feet

A horizontal scale bar is located below the aerial photograph. It consists of a black bar with white segments, indicating distances. The numbers '600', '0', and '600' are placed above the bar, and the word 'Feet' is at the right end.

- ⊙ Point of Diversion
- Place Of Use
- Quarter Quarter Lines
- Section Lines

GIS Place of Use Illustration
1939 aerial photography
Prepared By: Vicky Music
Date: September 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 20, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN AND GRACE SUMMERS TRUST
C/O M ELIZABETH HENRY TRUSTEE
7374 N BOGART
BOISE, ID 83703

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-04348

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You 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 historical use of the water for a beneficial use 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.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date 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 SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by September 10, 2004. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully Submitted,


Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-04348

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.

TELEPHONE MEMO

DATE: 9/9/04
TO: MEMO TO CLAIM FILE NO. 63-4348
CC: NA
From: Vicky L Music, WATER RESOURCE AGENT,
IDWR/ WESTERN REGION
RE: PROOF OF PRIORITY

I received a phone call on 9/7/04 from Elizabeth Henry. Elizabeth is 81 years old and does not have information regarding the basis of the priority date and doesn't know how to get it. She received a letter from me requesting proof of priority for this claim. She cannot remember the names of the original owners but is sure they are deceased. I gathered some information from her and told her I would call her back. I called her today in follow-up because I have not been able to establish the address or location of the property.

Elizabeth relayed the following history: The address was ⁴⁰¹³4909 W. Alamosa. Her parents bought the property in the 1960s as rental property. The lot was about 1 acre and extended from Alamosa to Willow. The small house, located in the center of the lot, and well were there then. The well was located on the east side of the house. They also owned 1 share with Boise Valley Irrigation. The well and ditch rights were used for the house, a few head of cattle and a truck garden. The house was rented until 1997 when it was sold. It was subsequently developed into low income housing – duplexes.

I attempted to find historical information on the Ada Co. Assessor website. The former address is no longer a valid one. I also reviewed the topo quad and a 1939 aerial photo for the area. I located the former lot on the topo and the aerial with the aid of Ada Co tax lot information and verified that a home was located on the lot is 1939.

Because Elizabeth is old and I did not want her to have to write out a statement, I told her that I would draft a statement for her regarding the history based on our conversations and send it and the map to her. I asked her to correct the statement and the map, sign the statement and return both to me. Elizabeth was concerned that something would happen to her share with Boise Valley Irr. Which she still has and I assured her that the share was not related to this groundwater right.

VLM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4348

WATER RIGHT NUMBER: 63-4348

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN AND GRACE SUMMERS TRUST C/O M ELIZABETH HENRY TRUSTEE 7374 N BOGART BOISE, ID 83703 (208)853-3031
Original Owner	JOHN R SUMMERS BOGART LN RT 1 BOX 228 BOISE, ID 83702
Original Owner	GRACE B SUMMERS BOGART LN RT 1 BOX 228 BOISE, ID 83702

Priority Date: 06/01/1935

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/31	0.040 CFS	
<u>Total Diversion:</u>		0.080 CFS	

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4

Sec. 32, Twp 04N, Rge 02E, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T04N R02E S32 NWNW 1.0

Total Acres: 1

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General P/D & P/U LOT 23, ALAMOSA SUBN.

Comments:

0.02 dom + 0.03 irr = 0.05 cfs max

0.04
0.03 ÷ .5 = .02
0.08 max.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that John R. &/or Grace B. Summers
(name of claimant)
of Route 1, Boise, ID 83702, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) groundwater
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|---------------|----|------------------------|
| Amount | <u>0.04 cfs</u> | Use | <u>domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.04 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>Apr. 1</u> | To | <u>Oct. 31</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 0.08 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1935

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 NW ¼ NW ¼, Sec. 32 Twp. 4 N Rge. 2 E B. M. County of Ada
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. well with pump and domestic pressure system

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

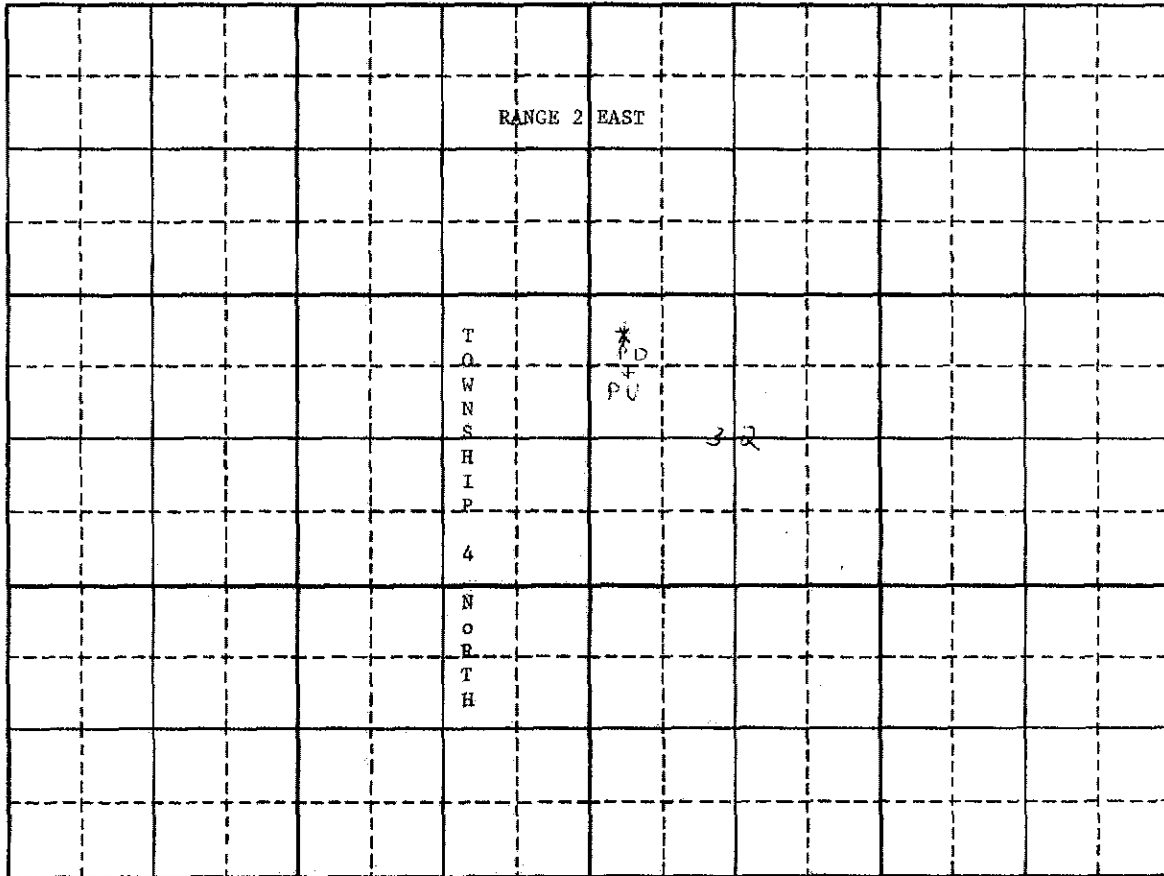
[illegible]

Total No. of acres 1

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: domestic use for one house

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

(8) Remarks Lot 23, Alamosa Sub. (Less East 55')



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of Ada)

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

Sworn to before me this 10th day of March, 1976

Glen B. Summers
(Claimant)

Lyle Glen Taylor
Notary Public

Residing at Boise, Idaho

My commission expires Life

For Department Use Only

Received by RB Date 3-10-76 Exception filed by: _____ Date _____
Prelim. check by PJC Date 3-10-76 Forwarded to claimant by: _____
\$10.00 fee received by RB Date 3-10-76 # 3682
Approved for publication by _____
Published in Idaho Statesman _____
Dates March 18 + 25 _____

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4348

Notice is hereby given that JOHN R. &/or GRACE B. SUMMERS
Route 1, Boise, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.08 cubic feet per second ~~surface water~~
from ~~surface water~~ a groundwater source
with the point of diversion in the NE 1/4, Sec. 32, T 4 N, R 2 E, B.M.
Ada County

The water is claimed to be used from Jan. 1 to Dec. 31
for domestic use and from Apr. 1 to Oct. 31 for irrigation of 1 acre
with a priority of 1935;
the place of use is within the NE 1/4, Sec. 32, T 4 N, R 2 E

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, ID
on March 18, 1976 and March 25, 1976