

$$\frac{CO}{CO}$$

MICROFILMED
AUG 20 1992

Idaho Department of Water Resources

T05N, R01W,
S9

Claim No: 63-4438

Prepared By: Kimberly Brown

Date: April 4, 2005



Place of Use



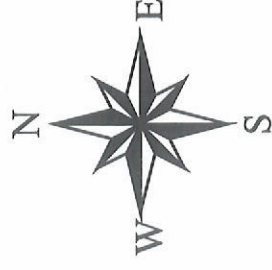
Section Lines



1/4 1/4



Point of Diversion



0.0100.0102 Miles



1987 NAPP

#63-4438
1994 NAPP





Land Records

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Property Details for Parcel S0309331100

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General Information

Property Acres: 21.000
Zone Code: RP
Primary Code Area: 72 Tax Districts
Group Type: SECT
Subdivision: 5N 1W 09
Section: 5N1W09

Property Description

PAR #1100 OF SW4SW4
 SEC 9 5N 1W
 #8621772-75 8134705



Property Address

9390 W CHAPARRAL RD
 EAGLE, ID 83616

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Assessor Links

- [Assessor Main Page](#)
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- [Exemptions and Reductions](#)
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- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	10-IRRIGATED AG	14.290	\$14,700	INCOME
Primary	190-WASTE LAND	4.710	\$0	INCOME
Primary	100-HOMESITE ON AG	2.000	\$50,000	MARKET
Primary	310-RES IMPROVEMENT	0.000	\$129,800	COST
Total Assessed Value:			\$194,500	

Parcel Valuation History

Assessed value for year 2004 \$194,500
 Assessed value for year 2003 \$189,900
 Assessed value for year 2002 \$175,200
 Assessed value for year 2001 \$175,000
 Assessed value for year 2000 \$175,000

Ada County Links

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Property Characteristics

Residential
 Agriculture
 Land

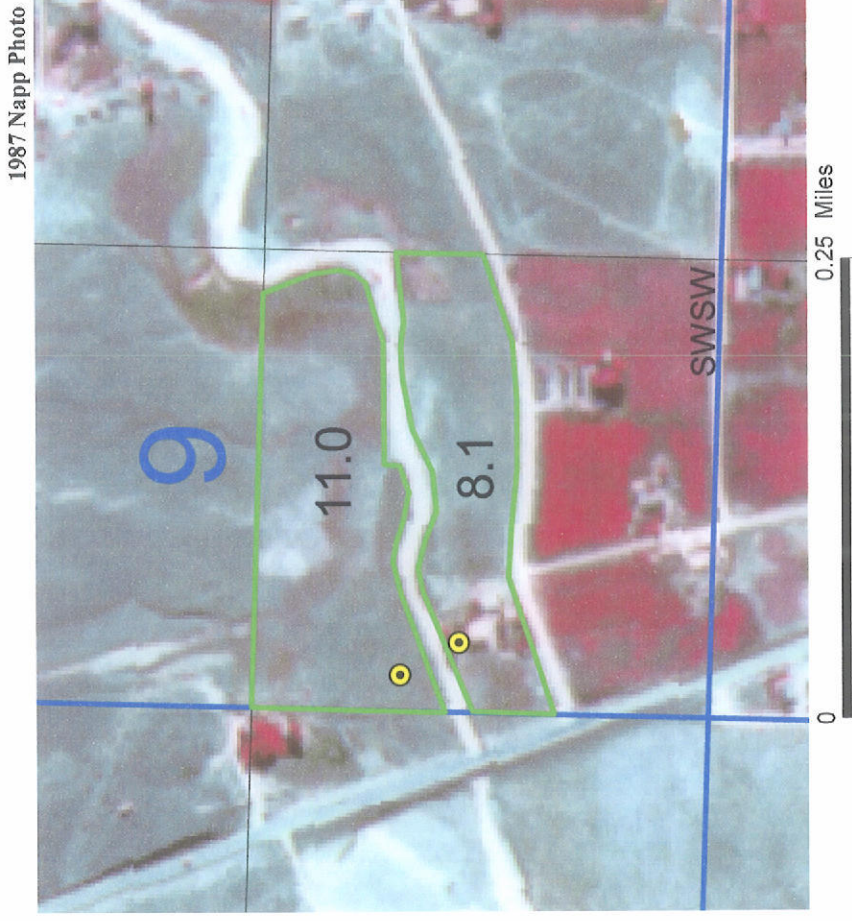
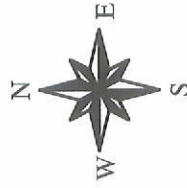
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Idaho Department of Water Resources

Claim Number: 63-04438
Legal: T05N, R01W, S9
Reviewed By:

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



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: A63-04438
Date Received: 7/17/1989
Receipt No: W003675
Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERT G. RICHARD 208-286-7738
Address: 9390 CHAPARRAL
EAGLE, ID 83616
OR
Name: DEBORA L. RICHARD 208-286-7738
Address: 9390 CHAPARRAL
EAGLE, ID 83616

2. Date of Priority: APR 15, 1929

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01W	9	SW	SW			ADA

5. Description of diverting works:
SUB. PUMP, 6" CASING, SPRINKLERS, PIPED TO HOME.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.380		85.50
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or) 85.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME

A63-04438

Page 1

Date: 07/17/89

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AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01W	9	SW	SW		IRR	19.0
			SW	SW		DOMEST	
						Section Acres	19.0
						Total Acres	19.0

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:
2 P/D'S IN LEGAL. SECOND WELL IS SHALLOW AND WATER IS NOT USED
FOR DOMESTIC IN HOUSE USE.
THE STAT. CLAIM INCORRECTLY DID NOT LIST THE DOMESTIC USE.

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Mat & Rachon Date: 7-17-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of July 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

CO
CO



MICROFILMET

1 AUG 1964

04/04/2005

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

RIGHT NUMBER: 63-4438

NAME AND ADDRESS: DEBORA L RICHARD
9390 CHAPARRAL
EAGLE ID 83616

MERT G RICHARD
9390 CHAPARRAL
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/15/1929

POINT OF DIVERSION:

T05N R01W S9 SWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.020 CFS

Domestic use is for 1 home and does not include lawn, garden,
landscape, or other types of irrigation.

PLACE OF USE: DOMESTIC Within ADA County

T05N R01W S09 SWSW

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

PARCEL NO: S0309331100.

Idaho Department of Water Resources

T05N, R01W,
S9

Claim No: 63-4438

Prepared By: Kimberly Brown

Date: April 4, 2005



Place of Use



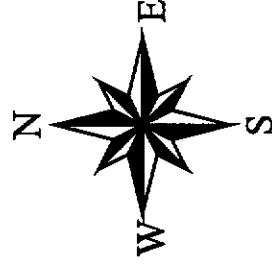
Section Lines



1/4 1/4



Point of Diversion



1987 NAPP



0.0100.0102 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4438

WATER RIGHT NUMBER: 63-4438 ✓

Owner Type Name and AddressOriginal Owner CLYDE J SMITH
PEARL RT
EAGLE, ID 83616Current Owner DEBORA L RICHARD ✓
9390 CHAPARRAL
EAGLE, ID 83616
(208)286-7738Current Owner MERT G RICHARD ✓
9390 CHAPARRAL
EAGLE, ID 83616
(208)286-7738Original Owner OLGA SMITH
PEARL RT
EAGLE, ID 83616Property Address -
8390 W. Chaparral

Priority Date: 04/15/1929 ✓

Basis: ~~Statutory Claim~~ ✓ Beneficial Use

Status: Active

Source

GROUND WATER ✓

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
REMOVE IRRIGATION ✓	3/15 to 11/15 ✓	0.380 CFS ✓	85.50 AF ✓
DOMESTIC ✓	1/01 to 12/31 ✓	0.020 CFS ✓	
<u>Total Diversion:</u>		~~0.380 CFS~~ ✓ 0.02	~~85.50 AF~~ ✓

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

SW1/4SW1/4 ✓

Sec. 9, Twp 05N, Rge 01W, B.M. ✓

* recommend only one POD for
domestic in-house usePlace of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
✓ 05N	01W	9	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	19.0

Total Acres: 19 ✓

DOMESTIC

ADD N11 & N13 -

Twp	Rge	Sec	NE	NW	SW	SE	Totals
✓ 05N	01W	9	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

ADD WBS - Domestic use is for 1 home & does
not include irrigation of lawn
& garden.

Parcel No: 80309331100.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4438

Conditions of Approval:

Remarks:

1. General 2 P/D'S IN LEGAL. SECOND WELL IS SHALLOW AND WATER IS NOT USED FOR DOMESTIC IN HOUSE USE.
THE STAT. CLAIM INCORRECTLY DID NOT LIST THE DOMESTIC USE.

Comments:

Dates and Other Information:

Claim Received Date: 7/17/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
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

Field Exam Date 4.4.05

(in office review)

**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 \$ 69.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None
- ☒ 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) A63-4438Owner: Deborah L. & Mert G. Richard Phone No. (208) 286-7738Property Address: 9390 W. Chaparral, Eagle 83616

- 9390 W. Chaparral
Eagle
- ☒ No change NAME IS THE SAME
 - ☐ NEW OWNER
 - ☒ No change Address
 - ☐ NEW ADDRESS
 - ☐ How long owned property?

Accompanied by: N/A**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: 4/15/29

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

Two letters requesting evidence have been sent & received by the claimants. Debbie Richard called twice & I spoke with her both times regarding evidence of priority. As of 11/5/04 I have not received anything and sent a letter alerting the Richards to the fact that I, therefore, must disallow their
Source: Tributary to claim. As a

- ☐ No Change – SAME SOURCE last resort, I
- ☐ Source found is different than claimed: looked their

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: used for domestic in Parcel No. up
- ☐ If different, when did POD change? house; therefore, only on Ada Co.

Per Remarks, there are 2 PODs, but one is "not used for domestic in house"; therefore, only 1 well is used for domestic in house use. Assessor's land Records.

Unfortunately, these records state that the house was built in 1998; which is in violation of the mandatory permit statute date (see file).

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. pump & 6" casing & piped to home.**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

WATER USES☐ No change☐ Different UsesUse Domestic From _____ To _____ Amount 0.02 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount 0.02 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)Volume -
(ADD N 13)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes 1 Stock # _____Types _____ Additional comments: Domestic use does not include irrigation of lawn & garden.**PLACE OF USE:**☐ No Change☒ Changes shown below:

Parcel No: 80309331100.

Since no evidence of priority has been submitted and Ada County Assessor Land Records show that the house was built in 1998 (post-1963), I removed irrigation and am recommending domestic only.

* In addition, both the 1987 & 1994 NAPP images do not show 19 Acres of irrigation.

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	
5N	1W	9											D						

Overlap with other water rights: _____

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

Delivery System Narrative: _____

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

(OVER)

Domestic use is for 1 home & does not include irrigation
of lawn & garden.

Quantity decreed shall not exceed 13,000 gal/day
is not a determination of historical
beneficial use.

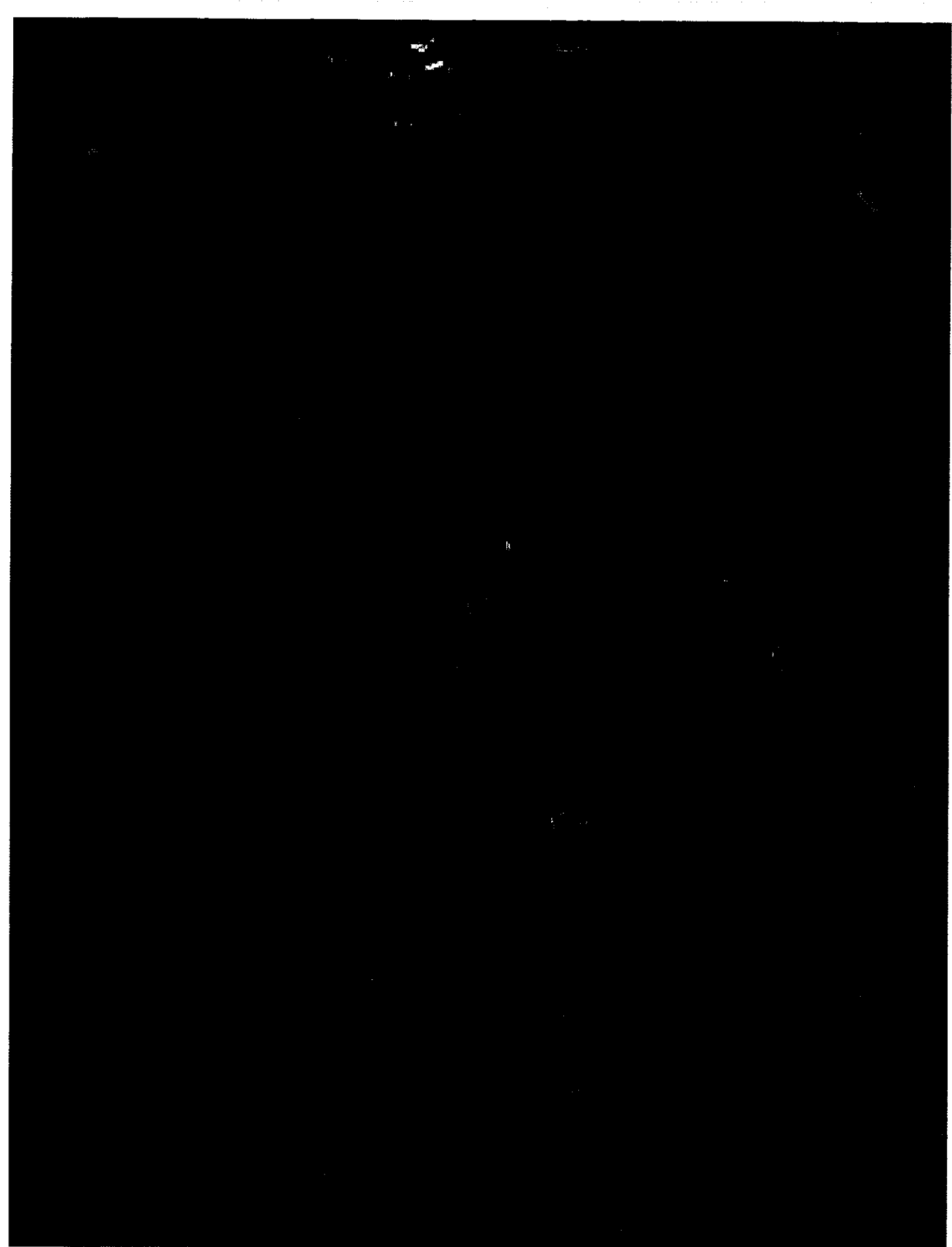
Parcel No: S0309331100.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ 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: 4.5.05 (in office review)

FIELD EXAMINER: Kimberly Brown



**Land Records**
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General Information

Property Acres: 21.000
Zone Code: RP
Primary Code Area: 72 Tax Districts
Group Type: SECT
Subdivision: 5N 1W 09
Section: 5N1W09

Property Description

PAR #1100 OF SW4SW4
 SEC 9 5N 1W
 #8621772-75 8134705

**Property Address**

9390 W CHAPARRAL RD
 EAGLE, ID 83616

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Assessor Links

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- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	10-IRRIGATED AG	14.290	\$14,700	INCOME
Primary	190-WASTE LAND	4.710	\$0	INCOME
Primary	100-HOMESITE ON AG	2.000	\$50,000	MARKET
Primary	310-RES IMPROVEMENT	0.000	\$129,800	COST

Total Assessed Value: \$194,500

Parcel Valuation History

Assessed value for year 2004 \$194,500
Assessed value for year 2003 \$189,900
Assessed value for year 2002 \$175,200
Assessed value for year 2001 \$175,000
Assessed value for year 2000 \$175,000

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Property Characteristics

Residential
 Agriculture
 Land

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**Residential Characteristics 1 for Parcel "S0309331100"**

Occupancy Date:	No Date Available
Year Remodel:	0
Effective Age:	0
Construction Class:	4
Number of Bedrooms:	6
Number Bathrooms:	3.0
Number of Fireplaces:	1
Air Conditioning:	Y
Car Storage Sq Ft #1:	0
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	20
Deck Sq Ft:	160
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	3348
Main Floor Sq Ft:	2516
Upper Floor Sq Ft:	832
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

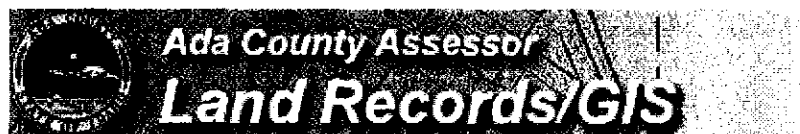
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Agriculture Characteristics 1 for Parcel "S0309331100"

Irrigated Acres:

Capability Class 1:	0.0
Capability Class 2:	14.29
Capability Class 3:	0.0
Capability Class 4:	0.0

Non-Irrigated Acres:

Capability Class 1:	0.0
Capability Class 2:	0.0
Capability Class 3:	0.0
Capability Class 4:	0.0

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Waste Acres:

Capability Class 8:	0.0
---------------------	-----

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Overlap review-

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4438

04/04/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
~~63-4438~~	Claim	05N	01W	9	SW	SW		GROUND WATER	DEBORA L RICHARD
63-7700	Claim	05N	01W	9	SW	SW		GROUND WATER	CHAPARRAL WATER ASSN
~~63-4438~~	Water Right	05N	01W	9	SW	SW		GROUND WATER	OLGA SMITH
63-7416	Water Right	05N	01W	9	SW	SW		GROUND WATER	WERT M KLINGER
63-7700	Water Right	05N	01W	9	SW	SW		GROUND WATER	CHAPARREL WATER ASSN

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4438

04/04/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3576	Claim	05N	01W	9	SW	SW		IRRIGATION	6/36	CHAPARRAL WATER ASSN
~~4438~~	~~Claim~~	~~05N~~	~~01W~~	~~9~~	~~SW~~	~~SW~~		~~IRRIGATION~~	~~19/19~~	~~DEBORA L RICHARD~~
7700	Claim	05N	01W	9	SW	SW		IRRIGATION	14/129	CHAPARRAL WATER ASSN
3576	Water Right	05N	01W	9	SW	SW		IRRIGATION	6/36	CHAPARRAL WATER ASSN
~~4438~~	~~Water Right~~	~~05N~~	~~01W~~	~~9~~	~~SW~~	~~SW~~		~~IRRIGATION~~	~~19/19~~	~~OLGA SMITH~~
7700	Water Right	05N	01W	9	SW	SW		IRRIGATION	14/129	CHAPARRAL WATER ASSN
7416	Water Right	05N	01W	9	SW	SW		STOCKWATER		WERT M KLINGER
3576	Claim	05N	01W	9	SW	SW		DOMESTIC		CHAPARRAL WATER ASSN
~~4438~~	~~Claim~~	~~05N~~	~~01W~~	~~9~~	~~SW~~	~~SW~~		~~DOMESTIC~~		~~DEBORA L RICHARD~~
3576	Water Right	05N	01W	9	SW	SW		DOMESTIC		CHAPARRAL WATER ASSN

Receipt Details for ID W003635

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/17/1989 11:11:24 AM	7/17/1989	Western	\$69.00	Check
Payer		RICHARD, DEBORA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
145			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$69.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4438		\$69.00	Claim

Print Report



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 5, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DEBORA & MERT RICHARD
9390 CHAPARRAL
EAGLE, ID 83616

RE: Snake River Basin Adjudication (SRBA) Claim No. A63-4438

Dear Mr. and Mrs. Richard,

As you are aware, the Department of Water Resources, Western Region, is in the process of reviewing adjudication water right claims in your area. Although it is our goal to favorably recommend historic water rights, I have no choice but to recommend this claim as disallowed to the Snake River Basin Adjudication court.

Your adjudication claim is being recommended for disallowal because:

- ☐ 1.) No beneficial use was found.
- ☐ 2.) Ownership was not confirmed.
- ☒ 3.) Other – After two letters requesting evidence of priority (last due date: March 12, 2004) and two telephone conversations, we have not received any documentation to substantiate the claimed priority date.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region

Cc: File



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
February 10, 2004

MERT G RICHARD OR DEBORA L RICHARD
9390 CHARPARRAL
EAGLE ID 83616

Re: SRBA Claim A63-04438

Dear Claimant(s):

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make a positive recommendation of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right later this year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Kimberly Brown at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. If she does not hear from you by March 12, 2004, then your water right will be recommended as disallowed.

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer" with a stylized flourish at the end.

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

NBS/pm

cc: Kimberly Brown

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-04438
Evidence of Priority

November 10, 2003

Debbie Richard called in response to the evidence of priority letter recently sent. Mrs. Richard began the conversation by stating, "We are hopelessly confused!" Therefore, I explained the purpose and need for evidence and gave her several examples of how she can fulfill this request; referring all the while to the *Evidence of Priority* pamphlet that I included with her letter that lists various examples. After Mrs. Richard understood the concept of evidence of priority and how to supply it, she mentioned that there are currently 3 wells on their property – the extra one not claimed is for her son's mobile home and was "just recently drilled." In addition, she also stated that this water right should be for 2 households and irrigation of 15 acres; not 19.

November 21, 2003

Since the due date for submitting evidence is 11/26/03, Mrs. Richard called and requested an additional 2 to 3 weeks to submit evidence. I told her that would be fine and that I would place this agreement in the file.

Kimberly Brown
Senior Water Resource Agent
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

October 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DEBORA & MERT RICHARD
9390 CHAPARRAL
EAGLE ID 83616

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-04438

Dear Claimant(s),

In the past, the above referenced claim(s) was submitted 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. It was 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 November 26, 2003. 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.



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

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. Therefore, either Mr. Bryce Scholer or I will be contacting you within the next few weeks to schedule a field exam.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kimberly L. Brown".

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-04438

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.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: A63-04438 Date: 8-29-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	5N	1W	9											19						19
GIS														19						19
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 19

Overlapping POU Claim #'s:

Total GIS Acres: 19

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-04438

Legal: T05N, R01W, S9

Reviewed By:

● Point of Diversion

Place of Use

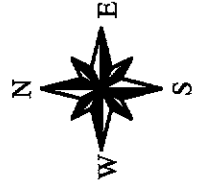
Section Lines

Quarter Quarter Lines

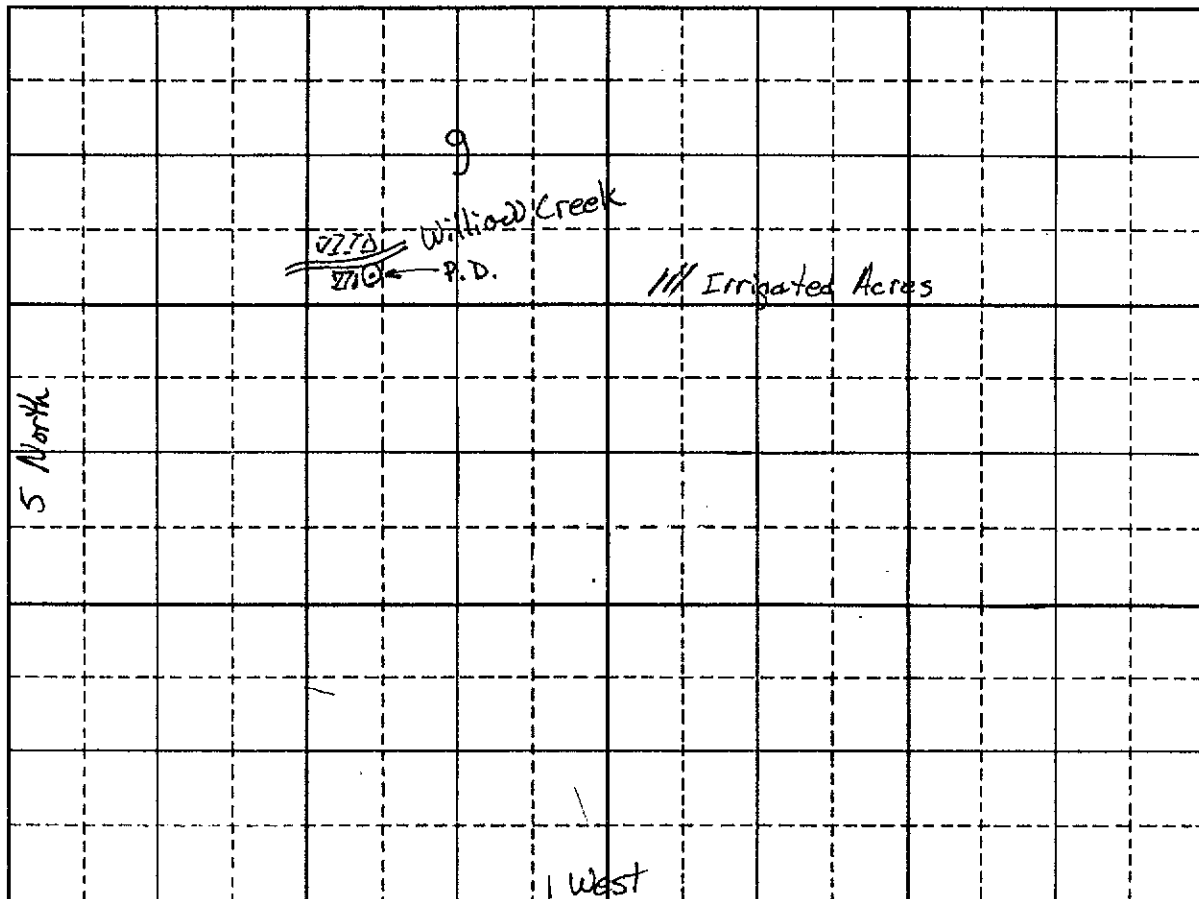
1987 Napp Photo



0 0.25 Miles



(8) Remarks _____



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)
County of Idaho) ss.

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 11 day of March, 1977.

Cyde J. Smith
(Claimant)

Robert W. Ballender
Notary Public

Residing at Emmett, Idaho

My commission expires 3-14-78

For Department Use Only

Received by <u>WHM</u>	Date <u>3-14-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RWH</u>	Date <u>3-14-77</u>		claimant by:	
\$10.00 fee received by <u>W</u>	Date <u>3-14-77</u>	# <u>7020</u>		
Approved for publication by <u>W</u>				
Published in <u>Idaho Statesman</u>				
Dates <u>March 24 & 31</u>				