

T4N R1E SEC 15



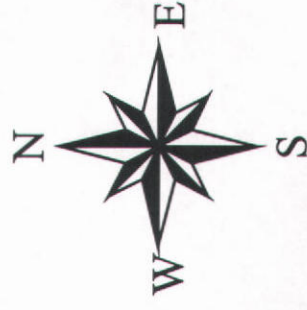
MICROFILMED
AUG 21 1992

Idaho Department of Water Resources

T04N, R01E, S15

Claim No: 63-05349
Prepared By: Kimberly Brown
Date: April 29, 2004

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP



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: A63-05349
Date Received: 8/03/1989
Receipt No: C008830
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE E. DALTON 208-939-8146
Address: 2196 ELLIOTT ST.
EAGLE, ID 83616

OR

Name: MARY ANN DALTON 208-939-8146
Address: 2196 ELLIOTT ST.
EAGLE, ID 83616

2. Date of Priority: JAN 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	15	NW	NE	NW		ADA

5. Description of diverting works:
WELL, PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR 1 HOUSEHOLD, LAWN & GARDEN, DOMESTIC STOCK TO 5 HEAD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	15	NE	NW		IRR	5.0
			NE	NW		DOMEST	
						Section Acres	5.0
						Total Acres	5.0

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:
NEW DRY CREEK DITCH CO.

14. Remarks:
P/U LOT 1 & 2, BLK. 3, RANDALL ACRES SUB. NO. 15

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: 1

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): George E. Dalton Date: 8-3-89

Date: _____

State of Idaho)
County of AOA) SS.

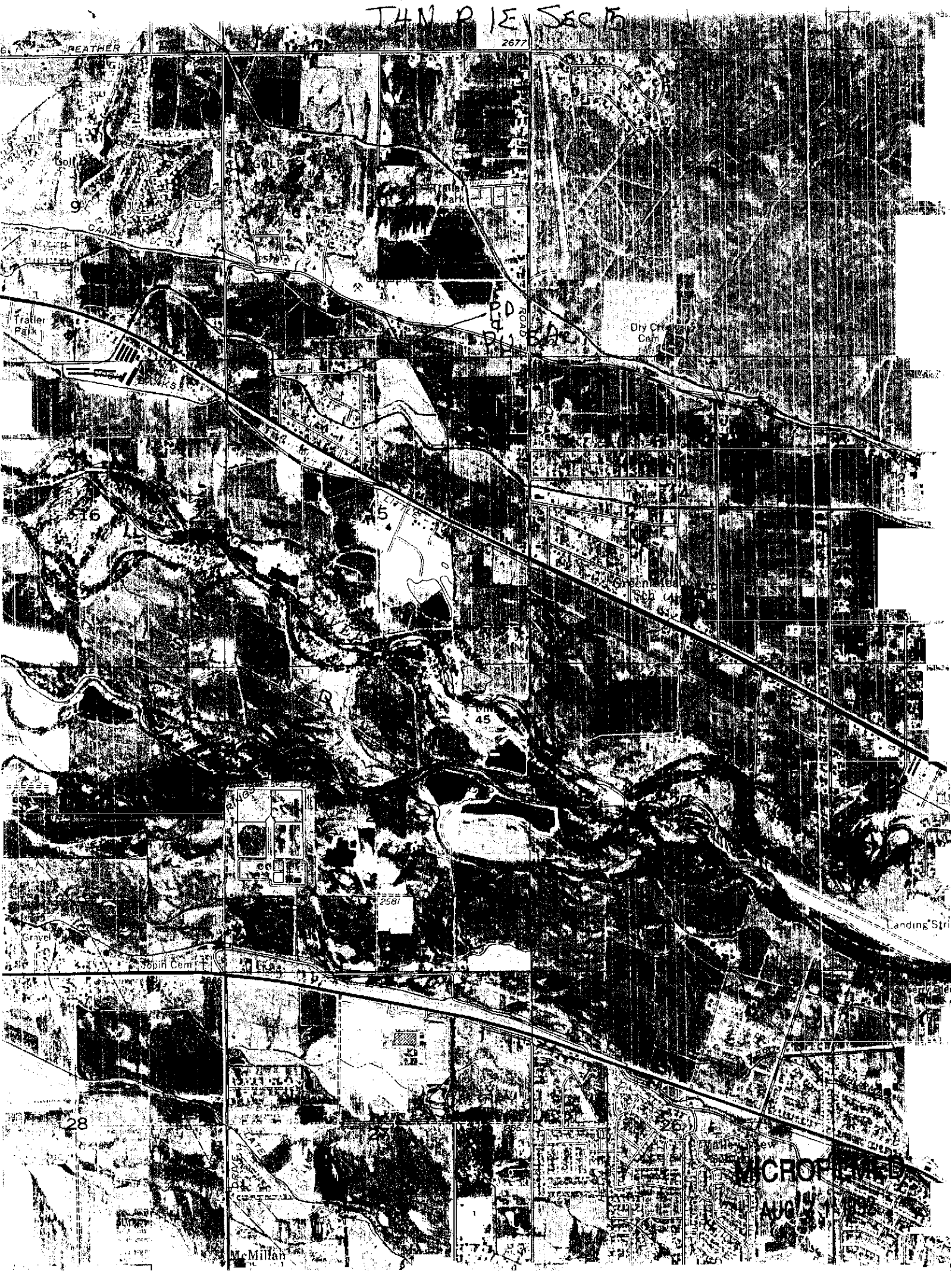
Subscribed and sworn (or affirmed) before me this 3rd day
of August 19 89
Janet C. Luthy
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

T4N R1E SEC 15

2677



9

Trailer Park

Dry Creek Camp

16

5

45



2581

Gravel

Joplin Cem

Landing Str

28

McMillan

MICROFILMED

AUG 11 1982

UNITED STATES POSTAGE
AIR MAIL
FIRST CLASS

02 1A
0004389393 DEC 15 200
MAILED FROM ZIP CODE 8370

PTNEY BAYONE 5
\$ 00.83

re: Notice of Filing of
Director's Report

RECEIVED

DEC 19 2005
DEPARTMENT OF
WATER RESOURCES

DALTI6 935152026 1405 03 12/17/95
RETURN TO SENDER
DALTON, MARY
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

[illegible]

5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

No New Address
found

MARY ANN DALTON
GEORGE E DALTON
2196 ELLIOTT ST
EAGLE ID 83616

2196 E 11th
Eagle
63-5349

RECEIVED

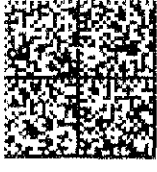
JUN 10 2005

WATER RESOURCES
WESTERN REGION

DALTON 836162010 1405 16 05/09/05
RETURN TO SENDER
DALTON MARY
MOVED LEFT NO ADDRESS
RETURN TO FORWARD

ADDRESS SERVICE

FIRST CLASS



4N 1E
UNITED STATES POSTAGE
02 1A
0004369393 JUN
\$0
MAILED FROM ZIP CODE

05/03/2004

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

RIGHT NUMBER: 63-5349

NAME AND ADDRESS: MARY ANN DALTON
2196 ELLIOTT ST
EAGLE ID 83616

GEORGE E DALTON
2196 ELLIOTT ST
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 01/01/1962

POINT OF DIVERSION:

T04N R01E S15 NWNENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within ADA County

T04N R01E S15 NENW

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: R7334270436.

PROPERTY IS ALSO KNOWN AS LOT 1, BLK 3, RANDALL ACRES
SUBDIVISION NO. 15.

Stockwater use is for 5 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5349 V1

WATER RIGHT NUMBER: 63-5349 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY ANN DALTON 2196 ELLIOTT ST EAGLE, ID 83616 (208)939-8146
Current Owner	GEORGE E DALTON 2196 ELLIOTT ST EAGLE, ID 83616 (208)939-8146

Priority Date: 01/01/1962

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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 15, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

DOMESTIC

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	01E	15					X												

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home.
5. X02 Stockwater use is for 5 range cattle.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5349 V1

1. Explanatory PARCEL NO: R7334270436.
2. Explanatory PROPERTY IS ALSO KNOWN AS LOT 1, BLK 3, RANDALL ACRES SUBDIVISION NO. 15.

Comments:

1. kbrown 5/3/2004 Irrigation of 5 Acres

Comment: Two letters were sent to the Daltons requesting evidence of priority and none was submitted. The letters were not returned as undeliverable and 2002 Ada County Tax Lot information shows that Mary Ann is still living at the same address. Since no evidence was submitted, I am recommending domestic use only and removing the claimed 5 acres of irrigation.

2. kbrown 5/3/2004 New Dry Creek Ditch Co.

Comment: New Dry Creek Ditch Co. is listed as supplementing this right, but was not added to the recommendation since the 5 acres of irrigation was removed.

Idaho Department of Water Resources

**T04N, R01E,
S15**

Claim No: 63-05349
Prepared By: Kimberly Brown
Date: April 29, 2004

☉ Point of Diversion

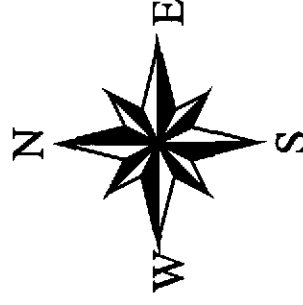


Place of Use

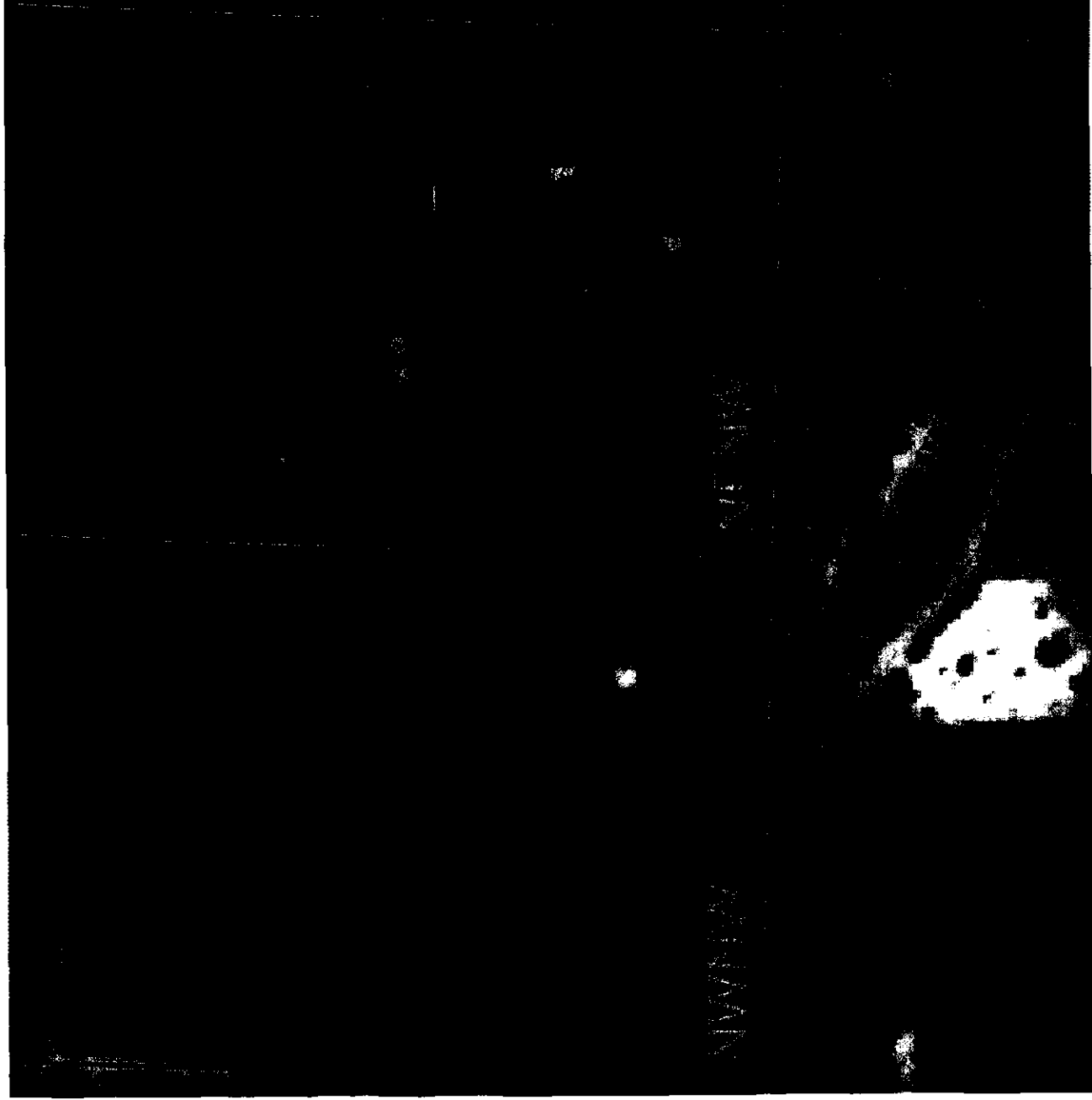


Section Lines

1/4 1/4



1987 NAPP



0.4 Miles

0.3

0.2

0.1

0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5349

WATER RIGHT NUMBER: 63-5349

Owner Type Name and Address
 Current Owner MARY ANN DALTON
 2196 ELLIOTT ST
 EAGLE, ID 83616
 (208)939-8146
 Current Owner ~~GEORGE E DALTON~~
 ~~2196 ELLIOTT ST~~
 ~~EAGLE, ID 83616~~
 ~~(208)939-8146~~

2002 Ada County Tax Lot
 information shows:
 Mary Ann Dalton (only)

Priority Date: 01/01/1962

Basis: ~~Statutory Claim~~

Beneficial Use

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

DOMESTIC

1/01 to 12/31

0.040 CFS

~~IRRIGATION~~~~3/15 to 11/15~~~~0.100 CFS~~

ADD N11 &
 N13

Total Diversion: ~~0.140 CFS~~
 0.04

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4NW1/4

Sec. 15, Twp 04N, Rge 01E, B.M.

ADA County

Place of Use

DOMESTIC

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 01E 15					X												

~~IRRIGATION~~ Remove Irr.

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 01E 15																	5.0

~~Total Acres: 5~~

ADD X01 - Domestic use is for 1 home.

ADD J01 - Place of use is also known as Lot 1,
 Bldg 3, Randall Acres Subdivision No. 15.

ADD X02 - Stockwater use is for 5 range cattle.

Parcel No: R 7334270436.

Conditions of Approval:

ADD N11
 & N13

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-5349

Remarks:

1. General P/U LOT 1 & 2, BLK. 3, RANDALL ACRES SUB. NO. 15

Comments:

Dates and Other Information:

Claim Received Date: 8/3/1989
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 4.29.04

(in office)

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 \$55.00 (\$50.00 flat fee + 5 acres irrigation)
- ☐ 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 Not received as of this date

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) 63-05349

Owner: Mary Ann & George Dalton Phone No. (208) 939-8146

Current Address: 2196 Elliot St. Eagle

- ☒ No change NAME IS THE SAME (2002 Ada Co. Tax lot lists only Mary Ann.)
- ☐ 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: 01/01/1962

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

Two Evidence of priority letters were sent to address above (none were returned) on 9/3/03 and 2/10/04. The department received no evidence of priority

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

Well, pump, and sprinklers

OVERLAP REVIEWOther 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

Irrigation of 5 acres removed due to lack of evidence of priority.

Use _____ From _____ To _____ Amount _____ 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 0.04 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:

The 5 acres of irrigation were not recommended, since no evidence of priority was submitted by the claimant.

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	
							D												
							only												

Overlap with other water rights: None

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: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS (OVER)

Domestic use is for 1 home.

Place of use is also known as Lot 1, Bk 3,
Randall Acres Subdivision No. 15.

Stock water use is for 5 range cattle.

Parcel No: R7334270436.

Quantity decreed shall not exceed 13,000 gal/day.

Quantity decreed is not a determination of
historical beneficial use.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED:

4/29/04

(in office)

FIELD EXAMINER:

Kimberly Brown

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
C008830	55.00	63	5349		Claim



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

MARY ANN DALTON
2196 ELLIOT ST
EAGLE ID 83616

Re: SRBA Claim A63-05349

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, appearing to read "Nick Spencer", with a long horizontal flourish extending to the right.

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

NBS/pm

cc: Kimberly Brown



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 3, 2003

GEORGE & MARY ANN DALTON
2196 ELLIOTT ST.
EAGLE, ID 83616

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-05349

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."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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 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 October 1, 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

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-05349

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.