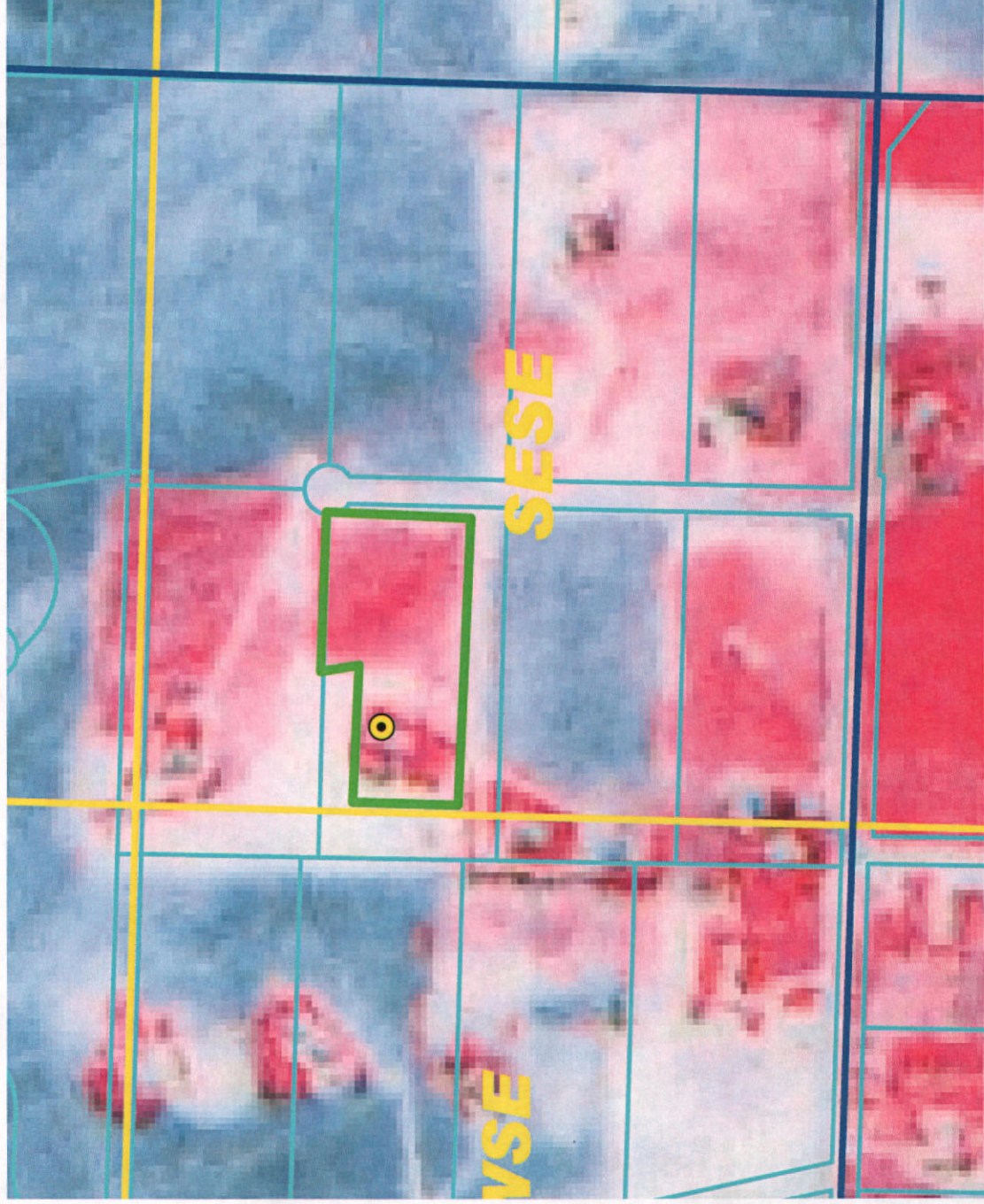


IDAHO DEPT OF WATER RESOURCES

Claim No. 63-10110

Twp. 5N, Rge. 1E
Section 30



Place of Use



1/4 1/4 Lines



Section Lines



Pt. of Diversion

Prepared by:
Jan Shurte
11-21-05



500 0 500 Feet

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 63-10110
Date Received: 7-18-05
Receipt No: W033180
Received By:

RECEIVED

JUL 18 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JO MARIE DISOTELL Phone:
4637 N BURT PLACE
EAGLE ID USA 83616

2. Date of Priority: 06/24/1983

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	30	SE SE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A
IRRIGATION	03/15	11/15	0.09	13.5
DOMESTIC	01/01	12/31	0.04	0.6

7. Total Quantity Appropriated is:
0.13 C.F.S. and/or 14.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	30	SE	SE	IRRIGATION	3
					Section Acres	3
					Total Acres	3

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Domestic use is for 1 home.

15. Basis of Claim: License

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

1.
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): Jomarie Bisotell Date: 7/14/05

Date:

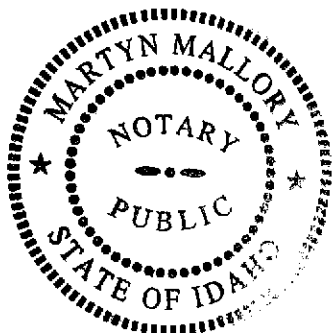
State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 14TH DAY
of JULY 2005 MJ MJ

Notary Public

Residing at EAGLE, IDAHO

My commission Expires 7-23-09



11/21/2005

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

RIGHT NUMBER: 63-10110

NAME AND ADDRESS: JO MARIE DISOTELL
4637 N BURT PLACE
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
14.100 AFY

PRIORITY DATE: 06/24/1983

POINT OF DIVERSION:

T05N R01E S30 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS 13.50 AFY
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY

Domestic use is for 1 home.

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S30 SESE 3.0

DOMESTIC same as IRRIGATION

3 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-10110

Twp. 5N, Rge. 1E
Section 30



Place of Use



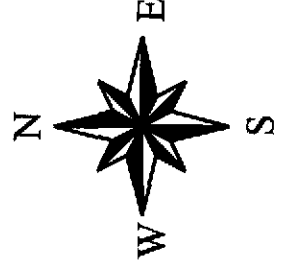
1/4 1/4 Lines



Section Lines

● Pt. of Diversion

Prepared by:
Jan Shurte
11-21-05



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10110 V1

WATER RIGHT NUMBER: 63-10110 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JO MARIE DISOTELL 4637 N BURT PLACE EAGLE, ID 83616

Priority Date: 06/24/1983

Basis: License

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>
IRRIGATION	03/15 to 11/15	0.090 CFS	13.50 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	0.60 AF
	<u>Total Diversion:</u>	0.130 CFS	14.10 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 30, Twp 05N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T05N R01E S30 SESE 3.0

Total Acres: 3

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. X01 Domestic use is for 1 home.
2. S39 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-10110 V1

Comments:

1. jshurte 11/21/2005 Changes

Comment: The changes in the point of diversion and place of use were only to correct the pt of diversion and place of use. The actual locations have not been moved.

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>
Contacts	11/21/2005 4:28:22 PM	jshurte			Active
POD	11/21/2005 4:28:47 PM	jshurte			Active
Source	11/21/2005 4:37:48 PM	jshurte			Active
POU	11/21/2005 4:39:35 PM	jshurte			Active
Use	11/21/2005 4:40:21 PM	jshurte			Active
Season	11/21/2005 5:01:05 PM	jshurte			Active
Quantity	11/21/2005 5:01:53 PM	jshurte			Active
Summary			11/21/2005	jshurte	Active
Summary			11/21/2005	jshurte	Active

Water Supply Bank:

No Overlap

11/21/2005

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-10110

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-8674	Claim	05N	01E	30	SE	SE		IRRIGATION	5/5	CINTHYA D O CONNOR <i>neighbor</i>
63-9410	Claim	05N	01E	30	SE	SE		IRRIGATION	5/5	GARY S ROGDE <i>neighbor</i>
63-10110	Claim	05N	01E	30	SE	SE		IRRIGATION	3/3	JO MARIE DISOTELLO <i>neighbor</i>
63-10312	Claim	05N	01E	30	SE	SE		IRRIGATION	4/4	LYNWOOD E CLARK
~~63-8674~~	Water Right	05N	01E	30	SE	SE		IRRIGATION	5/5	DONALD B LOVE
~~63-9410~~	Water Right	05N	01E	30	SE	SE		IRRIGATION	5/5	GARY S ROGDE
~~63-10312~~	Water Right	05N	01E	30	SE	SE		IRRIGATION	4/4	LYNWOOD E CLARK
63-11287	Water Right	05N	01E	30	SE	SE		IRRIGATION	3/5	JAMES E MITCHELL <i>neighbor</i>

Harris, Lori

From: Saxton, Craig
Sent: Friday, June 17, 2005 8:24 AM
To: Harris, Lori
Cc: Shurte, Jan
Subject: RE: Thank you

Lori,

Actually, there is a story on that lady that didn't file that I need to tell you about. I don't remember the name but you aren't going to like what I have to tell you.

The license was actually licensed in the wrong QQ so the place of use on the license is wrong. It was licensed in the SWSE and should be SESE. I told her to file the claim for the SESE as that is the correct legal description and then we might possibly be able to add a C05 and call it an error in licensing. Actually, that is what I would do, it can be evidenced by looking at Jans map (she isn't going to like that), but there was confusion on the location of a road and that is why it was in the wrong QQ. (Jan, I am not making fun of you, anybody could have done that. That is the nice thing about ArcView.)

Note: The tax lot data says that the parcel is owned by her daughter (same last name). There is some family dispute about ownership of the land (the lady I spoke with does live there, just isn't on the deed anymore). I told her she could file the claim in her name anyway and the dispute between her and her daughter would have to be handled by someone else.

Now the big thing. Even if she claims the license for 3 acres, she hasn't used the water since the 80's. This is obvious forfeiture and I told her that. However, it was licensed fairly recently. And with forfeiture we could have resumption. I told her that if she files the claim for irrigation, then she needs to show us that water is being used on the property by putting out sprinkler lines and irrigating the property.

I want to be clear with what I told her so there isn't confusion. She asked a couple of questions.

1) Can I use my neighbors pipe and by putting pipe on the property, is that enough?

Answer: Yes you can use the neighbors pipe, I don't care who owns the pipe, but "no", simply having pipe on the property isn't enough. I want to see pictures of water coming out of the pipe.

2) Can I put a hose out there with a sprinkler running, take a picture of it and call that resumption?

Answer: I told her "no" (this could be debated though). I said that will give me evidence of 25 feet of resumed irrigation. I would only recommend irrigation on the ground that I could see water being put on.

*I told her to document the hell out of it with pictures, and there is still a possibility that it won't be enough and we will recommend it as disallowed.

So we parted with her having three options:

1) Try for three acres of irrigation claiming the correct POU (we add C05) and documenting irrigation with photographs of the irrigation system in place and working - referencing resumption of the right.

2) File the claim for domestic only with the correct POU. We add C05.

3) Do nothing. Save the \$25 or \$50. Don't irrigate over 1/2 acre and she is fine.

Sorry to make it more difficult.

And no problem helping out. I am glad I could.

Craig

-----Original Message-----

From: Harris, Lori

Corrected 1/4/4 from
SWSE to SESE &
added acc. transfer
cond. for both POP & POU.
JD

NOTE - SEE
1987 PHOTO IN
FILE SHOWING
IRRIGATION

Sent: Friday, June 17, 2005 8:03 AM
To: Saxton, Craig
Subject: Thank you

Craig,

Thanks for helping with the few domestic people that just don't really understand what is going on and just need to talk to someone, especially the last woman that took a lot of your time. Also thank you for helping the woman in the afternoon that had not filed yet. Hopefully, she understood everything and can decide what she needs to do.

I will talk to Jan about the "Basis" item that came up.

Have a good weekend.

Lori

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10110

WATER RIGHT NUMBER: 63-10110

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DON DISOTELL RT 1 BOX 388 EAGLE, ID 83616
Current Owner	JO MARIE DISOTELL RT 1 BOX 388 EAGLE, ID 83616

Priority Date: 06/24/1983

Basis: License

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>
IRRIGATION	3/15 to 11/15	0.090 CFS	13.50 AF
DOMESTIC	1/01 to 12/31	0.040 CFS	0.60 AF
	<u>Total Diversion:</u>	0.130 CFS	14.10 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 30, Twp 05N, Rge 01E, 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	
05N	01E	30															3.0		3.0

Total Acres: 3

DOMESTIC same as IRRIGATIONConditions of Approval:

- Domestic use is for 1 home.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-10110

Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10110

Priority: June 24, 1983 Maximum Diversion Rate: 0.13 CFS
Maximum Diversion Volume:¹ 14.1 AF

This is to certify, that DON DISOTELL
JO MARIE DISOTELL

RT. 1 BOX 388
EAGLE, ID 83616

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 24, 1983; and has submitted Proof of Beneficial Use on November 16, 1983. An examination indicates that the works have a diversion capacity of .130 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	13.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	0.13 CFS	14.1 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 30, Township 05N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	01E	30	SWSE	3		3

Total number of acres irrigated: 3

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

RECORDED

AUG 29 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10110

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 20th
day of July, 1987.


Acting for. Keith Higginson, Director

MICROFILMED

AUG 20 1987