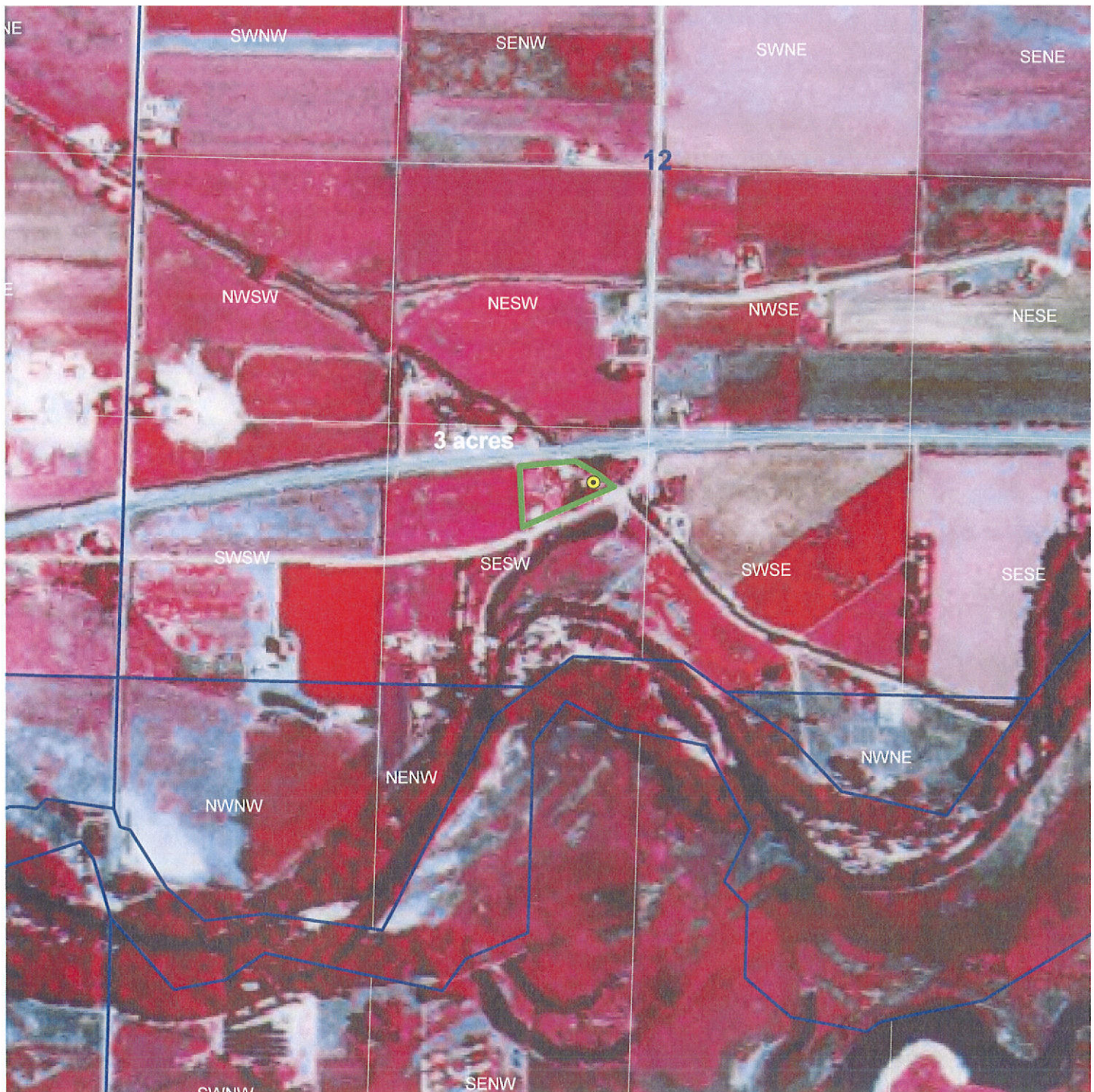




Idaho Department of Water Resources

63-26176

T04N R01W S12



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 4-20-05
1987 NAPP Photography



**Land Records**
[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)
Property Details for Parcel S0412346685

- [Main Page](#)
- [Property Search](#)
- [Online Map](#)
- [Contact Us](#)
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- [Help Index](#)
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- [About Us](#)
- [Image Documents](#)
- [Old interactive map](#)

General Information

Property Acres: 2.170
Zone Code: R1
Primary Code Area: 100 Tax Districts
Group Type: SECT
Subdivision: 4N 1W 12
Section: 4N1W12

Property Description

PAR #6685 OF SE4SW4
 SEC 12 4N 1W
 #341125-R

**Property Address**

4149 W STATE ST
 EAGLE, ID 83616

[Click to View Interactive M](#)
Assessor Links

- [Assessor Main Page](#)
- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	180-OTHER RURAL LAND	2.170	\$105,000	MARKET
Primary	340-RES IMPROVEMENT	0.000	\$108,100	COST
Primary	340-RES IMPROVEMENT	0.000	\$75,000	COST
Primary	340-RES IMPROVEMENT	0.000	\$46,200	COST

Total Assessed Value: \$334,300

Parcel Valuation History

Assessed value for year 2004 \$334,300
Assessed value for year 2003 \$326,200
Assessed value for year 2002 \$320,200
Assessed value for year 2001 \$305,000
Assessed value for year 2000 \$244,700

Ada County Links

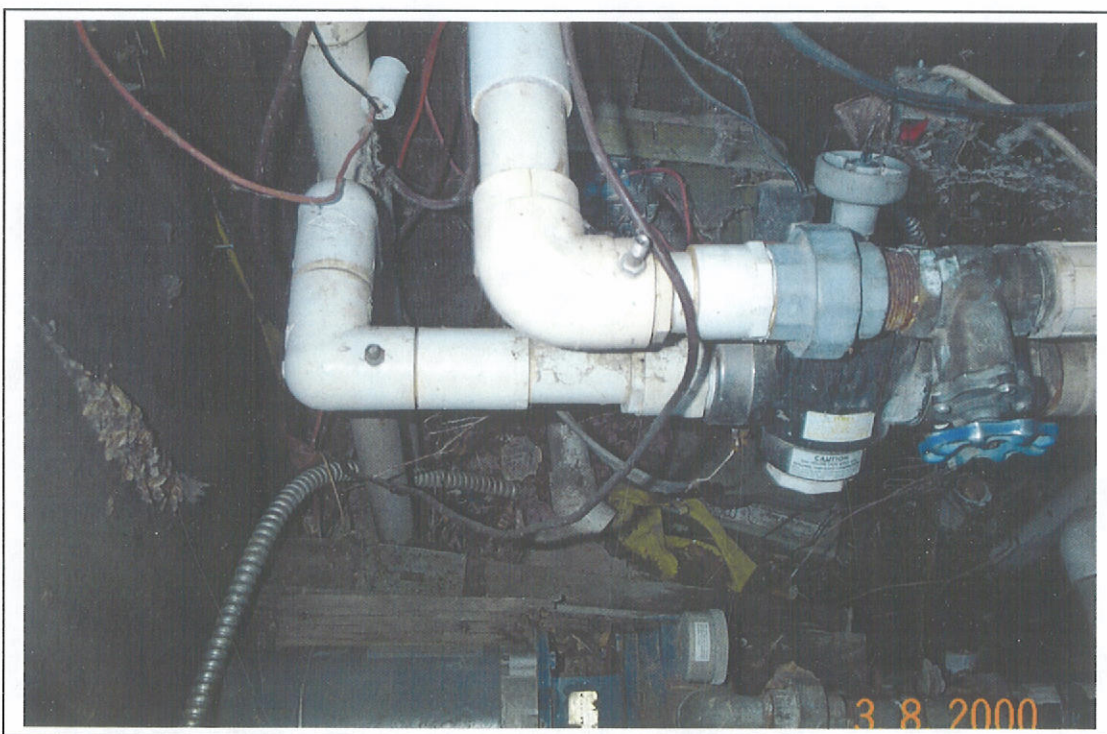
- [Ada County Home Page](#)
- [Commissioners](#)
- [Treasurer](#)
- [Clerk/Auditor/Recorder](#)
- [Development Services](#)
- [Human Resources](#)

Property Characteristics

Residential
 Land

[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)

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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: A63-26176
Date Received: 1/28/1992
Receipt No: CO 09401 E
Received By: CO 23084

Rec'd
2.3.92

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS J FITZGERALD 208-939-8813
Address: BOX 333
EAGLE ID 83616

2. Date of Priority: JUL 1, 1921

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	12	SE	SW			ADA

5. Description of diverting works:
ARTESIAN WELL, 6 INCH CASING, 120 FT. DEEPT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.130		
IRRIGATION	03/15	11/15	0.090		

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 3 HOMES, STOCKWATER 6 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	12	SE	SW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

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:
BALLANTYNE DITCH

14. Remarks:
SEE ATTACHED MAP

15. Basis of Claim: BENEFICIAL USE

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.

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): Douglas J. L. Lendell Date: 1-28-92

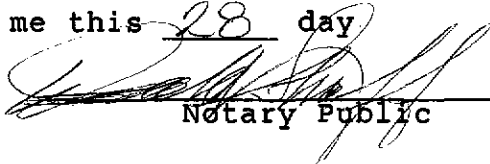
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28 day

of January 19 92

Seal


Notary Public

Residing at Boise ID

My Commission Expires June 10, 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. ALB-26176Date Received 8-14-89Receipt Number C009481NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

RECEIVED
AUG 14 1989

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Douglas J. Fitz Gerald Phone () 9398813Mailing Address Box 333 Eagle, Id. 83616 Zip 836162. Date of Priority (Only one per claim) 07/01/1921 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 4 N Range 1 WSection 12 1/4 of PANCA L# 1125 1/4 of SW 1/4 Govt. Lot # 1125 BM.,County of AdaAdditional points of diversion if any: All on property5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. ARTESIAN WELL 6" CASING 120' deep

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 1-1 Month/Day to 12-31 Month/Day amount, .09 (cfs)For Stockwater purposes from 1-1 (Both dates are inclusive) to 12-31 amount, .137. Total quantity claimed .20 (cfs) — 50 GAL PER MINUTE 72000 GAL PER DAY
Flow of ARTESIAN WELL8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 3 + STOCK WATER + IRRIGATION

MICROFILMED

SEP 14 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 4-N Range 1-W
Section 12, SE 1/4 of SW 1/4, Govt. Lot #1125 PANUECTH B.M.,
County of ADA for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any IRIGATION & NEW BUILDING
11. In which county (ies) are lands listed above as place of use located? ADA
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: THIS IS BUILD - !!!

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court DEED Decree Date _____ Plaintiff vs Defendant _____
If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Douglas H. H. H. H. Date 8/11/89
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of _____ } SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
SEP 14 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

UNRECORDED



4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

Ada Co

CLAIMANT'S NAME

Fitzgerald

CLAIM IDENT. NO.

A63-26176

DATE RECEIVED

8-14-89

CK #

1865

AMOUNT \$

71

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Required Info? *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Required Info? *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Required Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Required Info? *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO ☐ Required Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Required Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Required Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☒ NO ☐ Required Info? *
- Is the period of use included? ☒ YES ☐ NO ☐ Required Info? *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Required Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Required Info? *
8. If required is a consumptive use entered? ☐ YES ☒ NO ☐ Required Info? *
- Is the consumptive use correct? ☐ YES ☒ NO ☐ Required Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO ☐ Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Required Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Required Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Required Info? *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ Required Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO ☐ Required Info? *
15. Is the basis of the claim indicated? ☐ YES ☒ NO ☐ Required Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ NO ☐ Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☒ NO ☐ Required Info? *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Required Info? *
20. Is the fee enclosed correct? ☐ YES ☒ NO ☐ Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO ☐ Required Info? *
22. Should this claim be data entered? ☐ YES ☒ NO ☐ Required Info? *

Claim checked by:

[Signature]

Date:

8-14-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Rec't

Claim data entered by:

D. Shaff

Sent to claimant by:

Date:

8-14-89

Date:

1-28-92

Checked by:

Date:

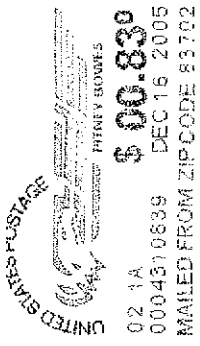
Comments:

Claim unclear.

MICROFILMED

SEP 14 1992

U.S. Department of the Interior
Bureau of Land Management
P.O. Box 83720
Phoenix, AZ 85061-8372



RECEIVED
DEC 22 2005
WATER RESOURCES
WESTERN REGION

RECEIVED
DEC 21 2005
DEPARTMENT OF
WATER RESOURCES

*Return to
Not at
this address*

**ATTEMPTED,
NOT KNOWN**

DOUGLAS J FITZGERALD
PO BOX 333
EAGLE ID 83616
63-26176

04/21/2005

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

RIGHT NUMBER: 63-26176

NAME AND ADDRESS: DOUGLAS J FITZGERALD
PO BOX 333
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
13.500 AFY

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

PRIORITY DATE: 01/01/1939

POINT OF DIVERSION:

T04N R01W S12 SESW 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	0.040 CFS
IRRIGATION	03/01 11/15	0.090 CFS
		13.50 AFY
STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 3 homes.

PLACE OF USE: DOMESTIC Within ADA County

T04N R01W S12 Lot 3 SESW

IRRIGATION Within ADA County

T04N R01W S12 Lot 3 SESW 3.0

STOCKWATER Within ADA County

T04N R01W S12 Lot 3 SESW

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.

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

EXPLANATORY MATERIAL: Beneficial Use

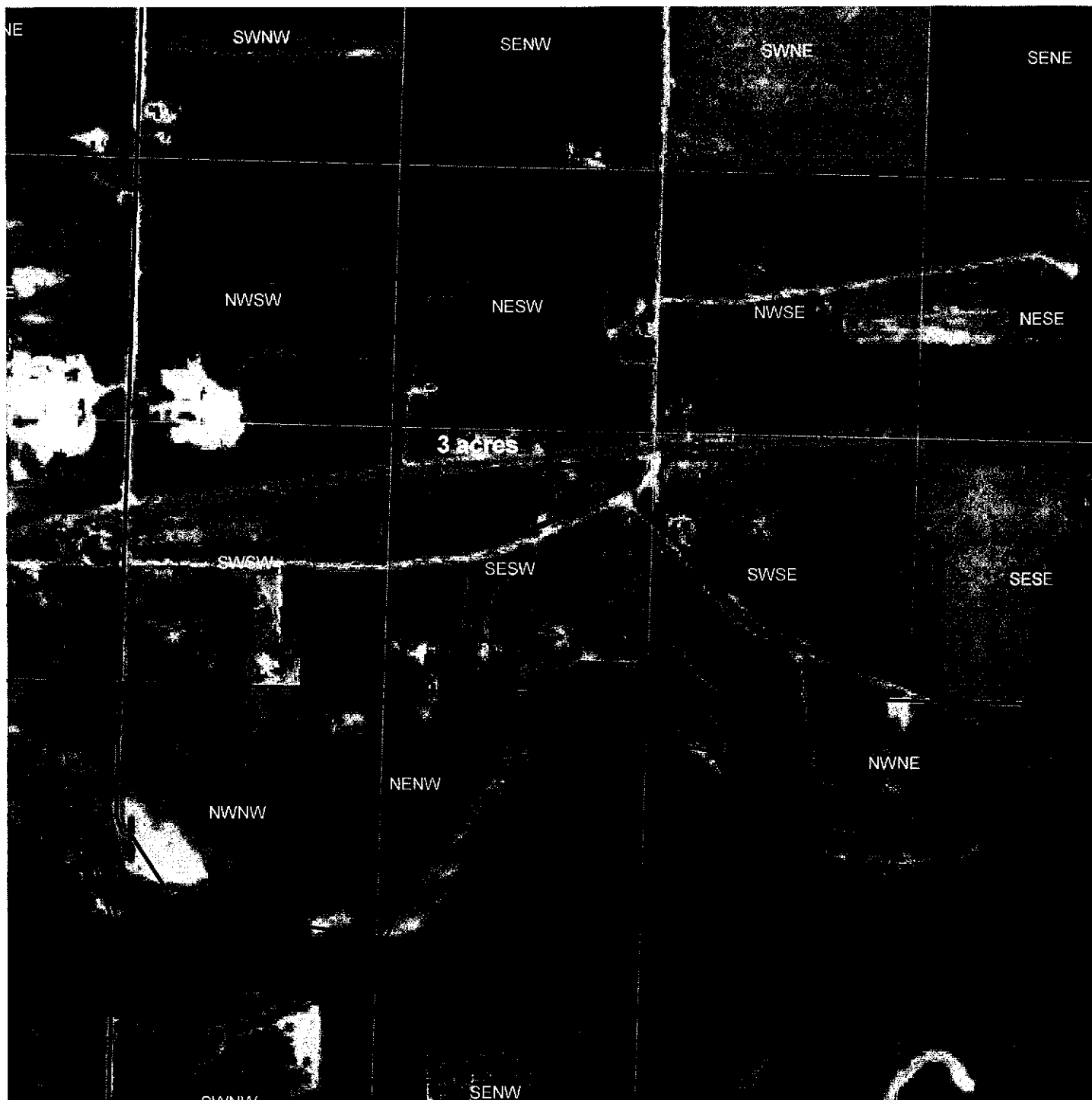
Parcel No.: S0412346685

Stockwater use is for 6 range cattle.

Idaho Department of Water Resources

63-26176

T04N R01W S12



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 4-20-05
1987 NAPP Photography

600 0 600 1200 1800 2400 Feet

Adjudication Recommendation Report 63-26176 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUGLAS J FITZGERALD PO BOX 333 EAGLE, ID 83616 (208)939-8813

Priority Date: 01/01/1939
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	
IRRIGATION	03/01 to 11/15	0.090 CFS	13.50 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	
	Total Diversion:	0.150 CFS	13.50 AF

GROUND WATER SE1/4SW1/4 Sec. 12, Twp 04N, Rge 01W, B.M.
ADA County

Place of Use
DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
04N	01W	12												X					
														L 3					

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01W	12												3.0					3.0
														L 3					

Total Acres: 3
STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26176 V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01W 12												X					
												L 3					

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. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 3 homes.
5. X02 Stockwater use is for 6 range cattle.

Remarks:

1. Explanatory Parcel No.: S0412346685

Comments:

1. segbert 4/20/2005 POD
Comment: Updated shape
2. segbert 4/20/2005 POU
Comment: Updated Shape
3. segbert 4/20/2005 POU
Comment: Updated Shape
4. segbert 4/20/2005 POU
Comment: Updated Shape

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-26176 V1

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>
Summary			04/01/2005	lharris	Active
Priority Date	4/20/2005 2:50:51 PM	segbert			Active
POD	4/20/2005 2:52:40 PM	segbert			Active
Source	4/20/2005 2:53:45 PM	segbert			Active
POU	4/20/2005 2:54:42 PM	segbert			Active
Season	4/20/2005 2:59:01 PM	segbert			Active
Quantity	4/20/2005 3:01:40 PM	segbert			Active
Summary			04/20/2005	segbert	Active
Use	4/20/2005 3:12:36 PM	segbert			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	4/20/2005 2:52:41 PM	segbert	(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? (No) 10. Is a POD remark and/or condition required?
POU	4/20/2005 2:54:42 PM	segbert	(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 - field exam
Use	4/20/2005 3:12:37 PM	segbert	(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 - field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26176 V1

Priority Date	4/20/2005 2:50:52 PM	segbert	(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? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 1939 aerial photography
Source	4/20/2005 2:53:46 PM	segbert	(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 - field exam
Season	4/20/2005 2:59:01 PM	segbert	(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? (No) 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?
Quantity	4/20/2005 3:01:41 PM	segbert	(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 - under .2 cfs Description for Question 10 - 4.5 x 3 acres

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26176 V1

Summary	4/20/2005 3:10:24 PM	segbert	(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?
Summary	4/1/2005 9:49:15 AM	lharris	(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?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-26176

WATER RIGHT NUMBER: 63-26176

Owner Type Name and Address
 Current Owner DOUGLAS J FITZGERALD
 PO BOX 333
 EAGLE, ID 83616
 (208)939-8813

Priority Date: ¹⁻¹⁻³⁹ 07/01/1921 *house was there in 1939 - shows migration*

Basis: Beneficial Use

Status: Active

Source Tributary

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Annual Volume
DOMESTIC	1/01	to 12/31	0.040 CFS ✓	<u>1.6</u>
IRRIGATION	^{3/15} 3/15	to 11/15	0.090 CFS ✓	<u>13.5</u>
STOCKWATER	1/01	to 12/31	0.430 CFS ✓	<u>12</u>
<u>Total Diversion:</u>			0.200 CFS	<u>15</u>

Location of Point(s) of Diversion

GROUND WATER
 ADA County

SE1/4SW1/4

Sec. 12, Twp 04N, Rge 01W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01W	12	NE	NW	SW	SE	3.0
							10+3

Total Acres: 3

DOMESTIC same as IRRIGATIONSTOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General SEE ATTACHED MAP

Comments:Dates and Other Information:

*domestic - 3 homes
 stockwater - 6 cattle*

**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) 63-26176

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER New owner on tax lot data
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

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: _____

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

A house shows on the 1939 platography so a 1921
priority date seems reasonable.

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

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 Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only *see remarks*☒ 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:*see remarks*

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: _____

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

Advanced the priority date to 1939 since the aerial photographs in 1937 shows 1 location & no other evidence submitted

irrigation volume

$4.5 \times 3 = 13.5$ $.09 \times 1.9835 \times 260 \text{ days} = 46.4$

stockwater volume - used chart

" div. rate - " "

[illegible]

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~~ ^{Review} CONDUCTED: 4-20-05

FIELD EXAMINER: Samaly Egbert

**Land Records**
[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)
Property Details for Parcel S0412346685

- [Main Page](#)
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General Information

Property Acres: 2.170
Zone Code: R1
Primary Code Area: 100 Tax Districts
Group Type: SECT
Subdivision: 4N 1W 12
Section: 4N1W12

Property Description

PAR #6685 OF SE4SW4
 SEC 12 4N 1W
 #341125-R

**Property Address**

4149 W STATE ST
 EAGLE, ID 83616

[Click to View Interactive Map](#)
Assessor Links

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

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	180-OTHER RURAL LAND	2.170	\$105,000	MARKET
Primary	340-RES IMPROVEMENT	0.000	\$108,100	COST
Primary	340-RES IMPROVEMENT	0.000	\$75,000	COST
Primary	340-RES IMPROVEMENT	0.000	\$46,200	COST

Total Assessed Value: \$334,300

Parcel Valuation History

Assessed value for year 2004 \$334,300
Assessed value for year 2003 \$326,200
Assessed value for year 2002 \$320,200
Assessed value for year 2001 \$305,000
Assessed value for year 2000 \$244,700

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- [Ada County Home Page](#)
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- [Treasurer](#)
- [Clerk/Auditor/Recorder](#)
- [Development Services](#)
- [Human Resources](#)

Property Characteristics

Residential
 Land

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Land Records

Characteristics Detail[Go Back to Property](#)

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**Residential Characteristics 1 for Parcel "S0412346685"**

Occupancy Date:	No Date Available
Year Built:	1978
Year Remodel:	0
Effective Age:	0
Construction Class:	4
Number of Bedrooms:	3
Number Bathrooms:	2.0
Number of Fireplaces:	1
Air Conditioning:	Y
Car Storage Sq Ft #1:	726
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	816
Porch Sq Ft:	0
Deck Sq Ft:	1000
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	2062
Main Floor Sq Ft:	1685
Upper Floor Sq Ft:	377
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

Assessor Links

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- [Treasurer](#)
- [Clerk/Auditor/Recorder](#)
- [Development Services](#)
- [Human Resources](#)

Residential Characteristics 2 for Parcel "S0412346685"

Occupancy Date:	No Date Available
Year Built:	0
Year Remodel:	0
Effective Age:	0
Construction Class:	4
Number of Bedrooms:	0
Number Bathrooms:	1.0
Number of Fireplaces:	0
Air Conditioning:	N
Car Storage Sq Ft #1:	0
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	0
Main Floor Sq Ft:	0
Upper Floor Sq Ft:	0
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

Residential Characteristics 3 for Parcel "S0412346685"

Occupancy Date:	No Date Available
Year Built:	1978
Year Remodel:	0
Effective Age:	0
Construction Class:	3
Number of Bedrooms:	2
Number Bathrooms:	1.5
Number of Fireplaces:	0
Air Conditioning:	N
Car Storage Sq Ft #1:	550
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	950
Main Floor Sq Ft:	950
Upper Floor Sq Ft:	0
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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Receipt Details for ID C009481

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/14/1989 9:17:24 AM	8/14/1989	State	\$101.00	Check
Payer		FITZGERALD, DOUGLAS J.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1865			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$30.00	APPLICATION FOR PERMIT	610199	1238	0	0	6390
\$71.00	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	26176		\$71.00	Claim

Print Report

Receipt Details for ID C023084

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/30/1992 8:54:22 AM	1/30/1992	State	\$107.00	Check
Payer		SPECTRA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
026652			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$107.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
\$6.00	DOUGLAS FITZGERALD	2/4/1992	

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
--------------	-----------------	--------------	--------	------

Print Report

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-26176

04/01/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-195	Claim	04N	01W	12	SE	SW		IRRIGATION	35/797.3	BALLENTYNE DITCH CO LTD
98AA	Claim	04N	01W	12	SE	SW		IRRIGATION	35/797.3	BALLENTYNE DITCH CO LTD
258A	Claim	04N	01W	12	SE	SW		IRRIGATION	35/797.3	BALLENTYNE DITCH CO LTD
260B	Claim	04N	01W	12	SE	SW		IRRIGATION	35/797.3	BALLENTYNE DITCH CO LTD
-264	Claim	04N	01W	12	SE	SW		IRRIGATION	35/797.3	BALLENTYNE DITCH CO LTD
-285	Claim	04N	01W	12	SE	SW		IRRIGATION	35/797.3	BALLENTYNE DITCH CO LTD
2406	Claim	04N	01W	12	SE	SW		IRRIGATION	28/29248	DRAINAGE DIST NO 2
15238	Claim	04N	01W	12	SE	SW		IRRIGATION	35/797.3	BALLENTYNE DITCH CO LTD
26176	Claim	04N	01W	12	SE	SW		IRRIGATION	3/3	DOUGLAS J FITZGERALD
2406	Water Right	04N	01W	12	SE	SW		IRRIGATION	28/29248	DRAINAGE DIST NO 2
4288	Water Right	04N	01W	12	SE	SW		IRRIGATION	4/4	GRETA B KNOWLTON
22815	Water Right	04N	01W	12	SE	SW		STOCKWATER		RICHARD J STEWART
22815	Water Right	04N	01W	12	SE	SW		DOMESTIC		RICHARD J STEWART
27138	Water Right	04N	01W	12	SE	SW		DOMESTIC		JAMES LEDINGTON
30263	Water Right	04N	01W	12	SE	SW		DOMESTIC		JAMES W FLETCHER
4342	Claim	04N	01W	12	SE	SW	3	IRRIGATION	1/3	CONNIE E MARTEN
4886	Claim	04N	01W	12	SE	SW	3	IRRIGATION	1/1	STATE OF IDAHO
4342	Water Right	04N	01W	12	SE	SW	3	IRRIGATION	1/3	CONNIE E MARTEN
4886	Water Right	04N	01W	12	SE	SW	3	IRRIGATION	1/1	STATE OF IDAHO
2576	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-26176

04/01/2005

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
7998	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	01W	12	SE	SW	3	MUNICIPAL		UNITED WATER IDAHO INC
4337	Water Right	04N	01W	12	SE	SW	3	DOMESTIC		VIRGIL ROBERTS
24077	Water Right	04N	01W	12	SE	SW	3	DOMESTIC		CALVIN COTTON
26787	Water Right	04N	01W	12	SE	SW	3	DOMESTIC		PATRICIA A KENYON



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63



RIGHT ID 63 26176
POD ID 245258
Quad Star 5
Claim Type Large
Easting 306292
Northing 291006
GPSID A0013210

Diversion Description

ARTESIAN WELL, 6 INCH CASING, 120 FT. DEEP. Located in wellhouse. Pump installed on well.

Assumptions

Horse power, pressure head, and elevation head. Pump adds 20 psi pressure head. 2 hp pump.

Invoice

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

20 LH

Date (M/D/Y)

12/5/01

Time

11.15

Flow Rate (CFS)

0.22

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 2

Pressure Head (psi) 20

Elevation Head (ft) 10

Motor Mfg

Motor Serial #

Pump Type Other

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

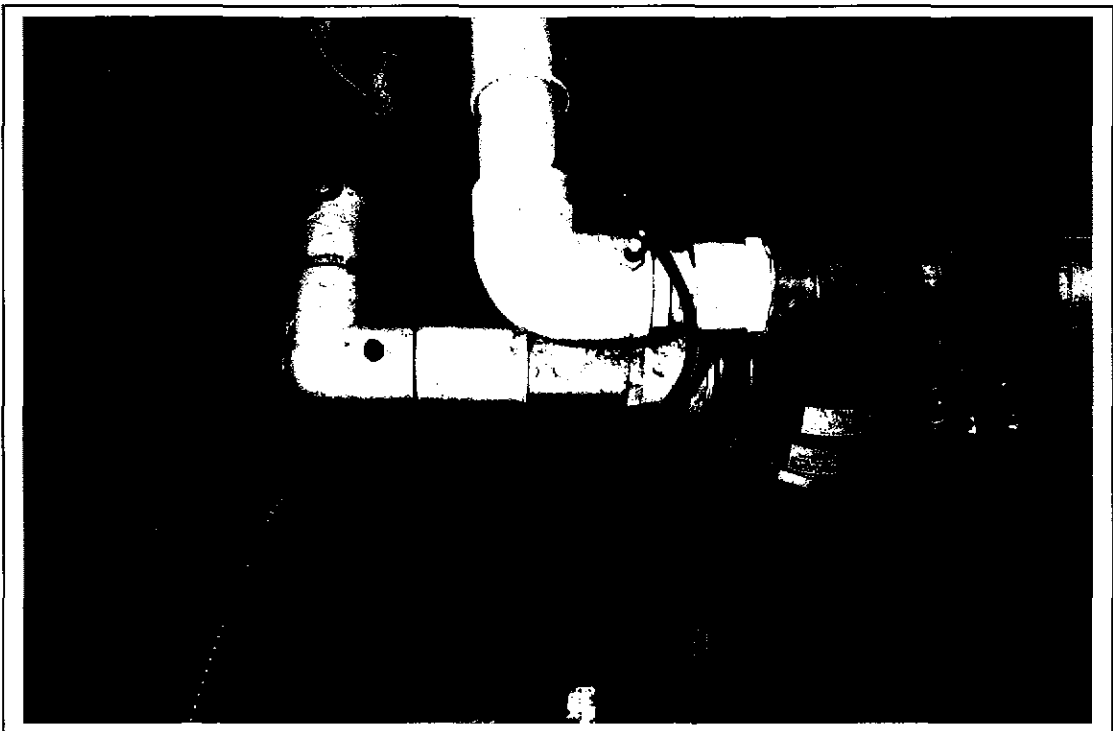
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INTREPID
Engineering Services, Inc. (IES)
Enabling People and Solutions

RIGHT ID

63 26176



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

JUN 07 2002

WATER RESOURCES
WESTERN REGION

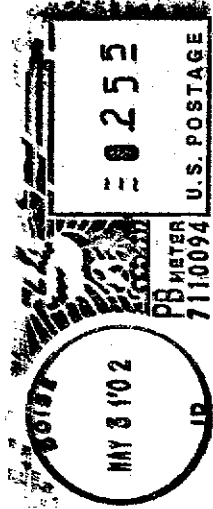
603-26176

to fund

PRESORTED
FIRST CLASS

Return to sender
RETURN TO
SENDER
FORWARDING ORDER EXPIRED

DOUGLAS J FITZGERALD
BOX 333
EAGLE



*Not at
this address*



603-26176-0098

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RECEIVED

NOV 16 2001

WATER RESOURCES
WESTERN REGION



63-26174

Handwritten symbol resembling a stylized 'D' or 'O'.

Not at this address

REFUSED
REFUSED

DOUGLAS J FITZGERALD
BOX 333
EAGLE, ID 83616

ALUM



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

November 9, 2001

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that Intrepid might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 30, 1992

Spectra Productions
c/o Douglas Fitzgerald
P.O. Box 333
Eagle, ID 83616

RE: Snake River Basin Adjudication (SRBA)
Adams County - #A69-10410 & Ada County - #A63-26176
Receipt #C023084 - \$6.00

Dear Doug:

An overpayment of your filing fees occurred on your above claim in the amount of \$6.00. The refund process has been initiated with the State Auditor's Office, and you should receive your check in the near future.

I have enclosed your receipt referenced above as well as your file copies of your Ada County claim #A63-26176 and Adams County claim #A69-10410.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref

Enclosure:

Receipt #C023084

Yellow File Copies A63-26176 & A69-10410

MICROFILMED

SEP 14 1992

Ada *Adams*
TO: A63-26176, A69-not assigned. *A69-10410*
FROM: D. Shaff *DS*
DATE: January 28, 1992
RE: Claim Filing Response

I worked with Doug Fitzgerald today to discuss and complete the filing of his two claims. The deferral option was discussed with him. He chose to complete filing the claims. Although we discussed two wells that he alledged were put in use for domestic purposes before November 1987, he did not file claims on those. The claim in Ada County for irrigation use in addition to domestic and stock water.

The total fees including late fees is \$178. He has paid \$71 confirmed by Receipt C009481 for adjudication claims leaving a balance of \$101. Fitzgerald said he would mail a check.

1-30-92 ✓ rec'd for 107.00 Will refund \$16.00
C023084
WJ

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 22, 1989

Mr. Douglas J. Fitzgerald
Box 333
Eagle, Idaho 83616

Re: Snake River Basin Adjudication SRBA
Adams County/Ada County

Dear Mr. Fitzgerald:

We are returning your Notices of Claim to a Water Rights filed for your property in Adams and Ada counties. We are also enclosing Receipt #C009481 in the amount of \$101.00, for the filing fees. We have noted some problems with your claim which we would like you to correct.

Dealing first with the claim for the Adams County property, Item #4 of the claim form requires a description of the Point(s) of Diversion to the nearest 40 acre parcel or preferably to the nearest 10 acre parcel. Two ways that you can get the legal for your property is to describe it yourself, or by submitting a detailed map with the claim.

In the first instance, you should plot the point of diversion on a U.S.G.S. (copy enclosed) or other land survey map noting the Township, Range and Section. Next, divide the section into four smaller squares or 160 acre parcels, divide the 160 acre parcel in which the Point of Diversion lies into four smaller squares or 40 acre parcels, and then divide the 40 acre parcel in which the Point of Diversion lies into four squares or 10 acre parcels. Starting with the smallest parcel in which the Point of Diversion lies, describe the location. In other words, the NE, NW, SW, or SE $\frac{1}{4}$ (10 acres) of the NE, NW, SW or SE $\frac{1}{4}$ (40 acres) of the NE, NW, SW or SE $\frac{1}{4}$ (160 acres) of Section, Township and Range. As an alternative, you might mark the location of your home on the enclosed map from which we can define the necessary legal description.

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In Item #6 and #7, .4 cfs (about 180 gallons per minute) is a large diversion rate for the uses claimed. Perhaps you meant .04 cfs (about 18 gallons per minute).

Please indicate on Item #9 if the two households are in single ownership and the number and kind of stock.

At Item #10 you have failed to fill in the required information. In most domestic uses, the place of use has the same legal description as the point of diversion as listed in Item #4. If this is accurate for your situation, please enter the Township, Range, Section and $\frac{1}{4}$ / $\frac{1}{4}$ information and circle domestic and stockwater use to coincide with Item #6. If your place of use differs from your point of diversion, please enter the appropriate legal description.

Item #13 was left blank. If you do not have other water rights used at this location for domestic and stockwater, please enter "none". If other water rights are used, please enter the water right numbers or description of the water rights, here.

At Item #15, you indicated your basis of claim is beneficial use and posted notice, please clarify your basis of claim.

The notary public's verification of the signature of the claimant is a required element of the claim form. After you have obtained the notary public's verification of your signature at the bottom of the last page, we will be able to process this claim.

Also, your Notice of Claim form for Adams County was postmarked after the filing deadline for Adams County. This June 8, 1988, deadline was noted on the Commencement Notice you received. The statutes governing the adjudication provide that late fees be assessed to encourage prompt filing of the Notices of Claims. Idaho Code §42-1409(8) sets these fees at \$50.00 or 15% whichever is greater. The late fees applicable to your claim would be \$50.00. If you feel you have a compelling reason for not complying with this deadline you may request an extension of time and waiver of the fees. I have enclosed a form for your possible use in this matter.

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The correct filing fee for this claim would be \$25.00, plus a possible \$50.00 late fee. You have paid \$71.00.

We are also returning your Notice of Claim to a Water Right filed for your property in Ada County. We have noted some problems with this claim as well, which we would like you to correct.

The form you have used is limited to domestic under single ownership and small stock water rights. Your claim shows more than one household and irrigation.

Please complete Form #42-1409(2) (form enclosed), sign the form, having your signature notarized and return it to this office at the attention of Celia Clemens. A set of instructions are enclosed for your use. If you will return the correct form before the September 8, 1989, deadline shown on the Notice you received for Ada County you will not be assessed a late filing fee.

If there are other uses of the water besides irrigation, please list them in Item #9. Describe fully the non-irrigation uses, i.e. for domestic give number of households served if single ownership. For stockwater give the type and number of livestock.

At Item #16(b) you indicated you wished to receive the docket sheet, however, the payment of \$7.50 was not enclosed. If you wish to receive the docket sheet please remit the fee indicated. If you do not wish to receive the docket sheet, please indicate that on the new form.

The correct filing fee for this claim cannot be calculated until your uses of water are clearly stated. The adjudication fee as recorded by Receipt #C009481 is not likely the proper fee for your Ada County and Adams County claims. If you want the docket sheet as indicated, that will be an additional \$7.50. We are unable to accept your claim for processing until we receive the correct filing fees.

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Mr. Douglas J. Fitzgerald

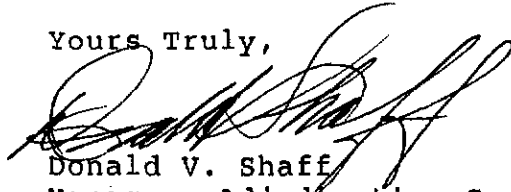
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From your remark on the Ada County claim, I would suggest you call this office or our Western Region Office (334-2190) for an appointment to obtain the technical assistance that will reduce your frustrations in securing the water right you believe you have developed.

Otherwise please return the completed documents and proper fees to this office at the attention of Celia Clemens.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:mcc:state

Enclosures:

Notice of Claims (2)

Receipt #C009481

Long Form w/Instructions

Request for Extension

Photocopy-Topographic Map

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