



2000 NAPP

63-31165
T04N, R01E,
S04, NWSW POU
SWNWSW POD



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 63-31165
Date Received: 9/8/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT SOUTHWORTH
51 ROOSTER DR
EAGLE ID USA 83616

Phone: (208) 939-4028

SHERRY SOUTHWORTH
51 ROOSTER DR
EAGLE ID USA 83616

Phone: (208) 939-4028

2. Date of Priority: 11/10/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	01E	4	NW	SW	SW	ADA	

5. Description of diverting works:

Well & pump

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	4	SW	SW	DOMESTIC	

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:

14. Remarks:

Property also known as Lot 1, Blk 2, Eagle Feather Sub.

Ownership changed by DH 10/16/2002

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**OCT 15 2002**WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-31165					

2. The following **REQUIRED** information must be submitted with this form:

- NA* A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- ☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- NA* C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) DAVID & DIANE ELM
51 ROOSTER DR. EAGLE ID
4. New Owner/Claimant(s) ROBERT AND SHERRY SOUTHWORTH
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 51 ROOSTER DRIVE
- City, State and ZIP Code EAGLE, ID 83616
- New Telephone Number (208) 939-4028
5. Date you acquired the property JUNE 25, 1991

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Robert L. Sophawall
Sherry E. Smith

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>DH</u>	Date <u>10-15-02</u>	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

Title File No.: B91-9671

WARRANTY DEED

FOR VALUE RECEIVED

David E. Elm and Diane S. Elm, husband and wife

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto

Robert G. Southworth and Sherry E. Southworth, husband and wife

GRANTEE(S), whose current address is: 51 Rooster Drive Eagle, Idaho 83616
the following described real property in Ada County, State of Idaho,
more particularly described as follows, to wit:

Lot 1 in Block 2 of EAGLE FEATHER SUBDIVISION, according to the official plat
thereof, filed in Book 40 of plats at Page 3341, records of Ada county, Idaho.

EXCEPT ditch rights of way.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or
done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if
any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same
from all lawful claims whatsoever.

Dated: June 27, 1991

David E. Elm Diane S. Elm
6/25/91

Idaho Ada
STATE OF _____, County of _____, ss.

On this 27th day of June
in the year of 1991, before me, the undersigned, a Notary
Public in and for said State, personally appeared
David E. Elm and
Diane S. Elm

known or identified to me to be the person(s) whose names
are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Signature: Michelle E. Howard

Name: Michelle E. Howard
(type or print)

Residing at: Ogden, Utah

My commission expires: 11/16/96

9134500

ADA COUNTY, ID. FOR BOISE TITLE & ESCROW
J. DAVID NAVARRO
RECORDER BY [Signature] 300

'91 JUN 27 PM 12 28



Boise Title & Escrow, Inc.

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 63-31165
Date Received: 9/08/89
Receipt No: C011432
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DAVID E ELM Phone: (208)939-4288

51 ROOSTER DR
EAGLE ID USA 83616

DIANE S ELM Phone: (208)939-4288

51 ROOSTER DR
EAGLE ID USA 83616

2. Date of Priority: 11/10/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

Well & pump

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	4	SW	SW	DOMESTIC	

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: Eagle Floating Feather Irrigation Co.

14. Remarks:

Property also known as Lot 1, Blk 2, Eagle Feather Sub.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

Godi

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

Renumbered to A63-31165

Ident. Number: A65-18468

Date Received: 9/08/1989

Receipt No: C011432

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID E. ELM 208-939-4288
Address: 51 ROOSTER DR.
EAGLE, ID 83616
AND/OR
Name: DIANE S. ELM 208-939-4288
Address: 51 ROOSTER DR.
EAGLE, ID 83616

2. Date of Priority: NOV 10, 1978

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	4	NW	SW	SW		ADA

5. Description of diverting works:
WELL & PUMP

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		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

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SEP 29 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	4	SW SW		DOMEST	

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:
EAGLE FLOATING FEATHER IRR. CO.

14. Remarks:
LOT 1, BLK 2, EAGLE FEATHER SUBD.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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~~SEP 29 1992~~

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. AL3-18468Date Received 9-8-89Receipt Number 2011432NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

SEP 08 1989

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

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

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) DAVID E and Diane S. ELM Phone (208) 939 4288Mailing Address 51 ROOSTER DR Eagle IDA Zip 836162. Date of Priority (Only one per claim) 11/10/1978 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source4. Location of point of diversion is: Township 4N Range 1E
Section 4, NW 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of ADA

Additional points of diversion if any: _____

5. 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. Well & Pump

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

For Domestic purposes from 11 Month/Day to 12/31 Month/Day amount 0.4 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____7. Total quantity claimed 0.4 (cfs)8. 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) 1 House

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SEP 29 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.

RECEIVED

10. Place of use is: Township: 4N Range 1E
Section 4, SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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.

() None or Eagle Floating Feather Irrigation Company

14. Remarks: Lot 1 Bk 2 Eagle Feather Sub

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

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

Signature of Claimant (s) Diane S. Elm Date 9/8/89

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 Ada) SS.

Subscribed and sworn (or affirmed) before me this 8 day of Sept 1989

SEAL

Notary Public Bruce A. Schuld

Residing at BRUCE A. SCHULD, NOTARY PUBLIC

My Commission Expires RESIDING AT BOISE, IDAHO

MY COMMISSION EXPIRES APRIL 11, 1995

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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SEP 29 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.

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Elm

CLAIM IDENT. NO.

465-18468

DATE RECEIVED 9-8-89

CK # 0011432

AMOUNT \$ 25

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
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 *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO N/A
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 N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
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 N/A *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: eltDate: 11/17/90Claim must be returned to claimant: ☒ (Yes) ☐ (No)Claimant must be notified of modifications: ☒ (Yes) ☐ (No)Receipt Prepared by: FodieClaim data entered by: FodieSent to claimant by: FodieDate: 11/17/90Date: 11/17/90Date: 11/17/90Checked by: RatDate: 11/21/90

MICROFILMED

Comments: _____

SEP 29 1992

NOTICE OF ERROR
REPLY

05/31/2005
RECEIVED
JUN 29 2005
WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-31165

ROBERT SOUTHWORTH
51 ROOSTER DR
EAGLE ID 83616
Telephone Number: (208)939-4028

SHERRY SOUTHWORTH
51 ROOSTER DR
EAGLE ID 83616
Telephone Number: (208)939-4028

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 26 JUNE '05

SIGNATURE: Robert Southworth Sherry Southworth

Please print your name: Robert Southworth Sherry Southworth

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

05/31/2005

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

RIGHT NUMBER: 63-31165

NAME AND ADDRESS: ROBERT SOUTHWORTH
51 ROOSTER DR
EAGLE ID 83616

SHERRY SOUTHWORTH
51 ROOSTER DR
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: 11/10/1978

POINT OF DIVERSION:

T04N R01E S4 SWNWSW 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
DOMESTIC, 1 HOME		

PLACE OF USE: DOMESTIC Within ADA County

T04N R01E S04 NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

11/22/2002

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

RIGHT NUMBER: 63-31165

NAME AND ADDRESS: ROBERT SOUTHWORTH
51 ROOSTER DR
EAGLE ID 83616

SHERRY SOUTHWORTH
51 ROOSTER DR
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: 11/10/1978

POINT OF DIVERSION:

T04N R01E S4 SWNWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

DOMESTIC, 1 HOME

PLACE OF USE: DOMESTIC Within ADA County

T04N R01E S04 NWSW

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. R2023700040.

PROPERTY IS ALSO KNOWN AS LOT 1, BLK 2, EAGLE FEATHER SUBD.

September 16, 2003

RECEIVED

SEP 23 2003

WATER RESOURCES
WESTERN REGION

Department of Water Resources
Western Region - Idaho
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right No. 63-31165

Attention: Kimberly L. Brown,

I recently received a letter from the Department of Water Resources stating that I needed to provide evidence of priority for my domestic water rights. The purpose of this letter is to provide that evidence.

My home is located at 51 Rooster Drive in Eagle, Idaho. The property is also known as Lot 1, Blk 2, Eagle Feather subdivision. I purchased this home in July of 1991 from David and Diane Elm. They were not the original owners of the home. The home was originally built and owned by Gary and JoAnn Gunther in 1978. Both of these previous owners have moved and I do not know where they now reside.

I have a neighbor who owns the home adjacent to mine, immediately to the East. His name is E. F. Stark and he has been living in his home since March, 1982. He has provided a statement which gives evidence of my water rights and priority date.

Please let me know if you need anything additional from me to assure that my water rights and date of priority are recorded accurately.

Regards,



Robert Southworth
Work: (208) 396-3628

September 16, 2003

Department of Water Resources
Western Region - Idaho
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right No. 63-31165

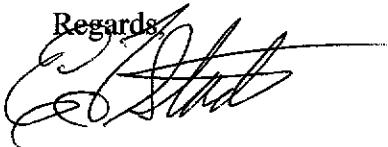
Attention: Kimberly L. Brown,

I am neighbor to Robert Southworth who lives at 51 Rooster Drive, in Eagle Idaho. Mr. Southworth asked me to provide a statement regarding his water rights.

I moved into my home in March, 1982. At the time I moved in, the house that Mr. Southworth now lives in was occupied by Gary and JoAnn Gunther. The Gunthers were the original owners of the house and built the house in 1978. I knew them personally and know that they installed a well when the home was constructed. That well has been the source of domestic water for the home at 51 Rooster Drive since it was built.

The legal description of the home at 51 Rooster Drive is:
Lot 1, Blk 2, Eagle Feather Subdivision

Regards,



E. F. Stark
133 Rooster Drive
Eagle, Idaho
(208) 939-0054



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2003

ROBERT & SHERRY SOUTHWORTH
51 ROOSTER DR
EAGLE, ID 83616

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-31165

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by October 7, 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 A63-31165

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.



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

October 16, 2002

ROBERT SOUTHWORTH
SHERRY SOUTHWORTH
51 ROOSTER DR
EAGLE ID 83616

Re: Notice of Claim to a Water Right No. 63-31165

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

for
October 11, 2002

Department of Water Resources
Western Region - Idaho
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

OCT 15 2002

WATER RESOURCES
WESTERN REGION

RE: Water Right No. 63-31165

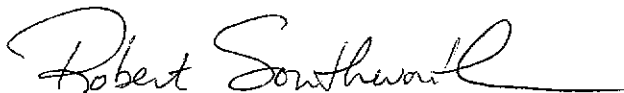
To whom it may concern:

I recently received a letter from the Department of Water Resources saying that I need to submit a "Notice of Change in Water Right Ownership" such that the records will indicate that I have ownership of the domestic water that I am using. It is included along with a copy of the deed that shows I have ownership of the property.

I bought my home about 11 years ago and am surprised that the water rights did not get transferred at that time. The water I am using comes from my well and there are no complexities associated with splits, etc. The amount of water I am using has stayed consistent for the last 11 years with no other wells, or higher power pumps installed. I use a single 1 hp pump and use the water for domestic purposes.

I called your office on Oct. 11th and was told that there were no fees that I needed to pay to get the water right transferred. Please call my work number below if there are questions about this letter.

Regards,



Robert Southworth
Work: (208) 396-3628

Enclosure (2)



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 26, 2002

ROBERT SOUTHWORTH OR
SHERRY SOUTHWORTH
51 ROOSTER DR
EAGLE ID 83616

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-31165

Dear Property Owner(s):

We have been advised you may be the new owner of the property with the water right referenced above. Enclosed is a Recommendation report for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Howerton'.

Ron Howerton
Senior Water Agent
Adjudication Section
Western Region

CC: File

Enclosures

09/26/2002

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

RIGHT NUMBER: 63-31165

NAME AND ADDRESS: DAVID E ELM
51 ROOSTER DR
EAGLE ID 83616

DIANE S ELM
51 ROOSTER DR
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/10/1978

POINT OF DIVERSION:

T04N R01E S4 SWNWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: T04N R01E S04 NWSW

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

DOMESTIC, 1 HOME

PARCEL NO. R2023700040.

PROPERTY IS ALSO KNOWN AS LOT 1, BLK 2, EAGLE FEATHER SUBD.

2000 NAPP

63-31165
T04N, R01E,
S04, NWSW POU
SWNWSW POD

**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) could not find any
- ☒ 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) 63-31165Owner: Robert or Sherry Southworth Phone No. _____Current Address: SAME AS original claimant

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER CARY KNOWS the new owners & will call FO
- ☐ No change Address OWNERSHIP
- ☐ NEW ADDRESS CAC.
- ☐ How long owned property? _____

Accompanied by: IN-OFFICE**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.)

Source: _____ Tributary to _____

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

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: VERIFIED BY TAX LOT INFO
- ☐ If different, when did POD change? NOT CHANGE BAD CLAIM DATA.

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
		SW	NW	SW	04	4N	1E	ADA	

Description of diverting works

SAME AS CLAIM**OVERLAP REVIEW**Other water rights with the same point of diversion: NONE

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

WATER USES☒ No change☐ Different Uses

Use _____ 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 _____ 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:VERIFIED BY TAX LOT INFO.

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	
4N	1E	4										D							

Overlap with other water rights: FARMERS UNION Ditch Co, DRAINAGE Dist No. 2
SEE ATTACHED OVERLAP REPORT

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

NO

Delivery System Narrative: WELL & PUMP

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

FLOW MEASUREMENTS: NA - DE MINIMIS

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

PARCEL NO. R2023700040

NO WELL LOG FOUND

AKA LOT 1, BLK 2 EAGLE FEATHER SUBD.

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: IN-OFFICE 9-26-02

FIELD EXAMINER: Ron Howerton

Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 2006

Ron Howerton
Sr Water Agent

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31165

Water Right #	Type	Twtp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-120G	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-123C	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-164E	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-165M	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-198AG	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-248	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-297	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-21729	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-21730	Claim	04N	01E	4	SW	SW		IRRIGATION	38/8394	FARMERS UNION DITCH CO LTD
63-2406	Water Right	04N	01E	4	SW	SW		IRRIGATION	38/29248	DRAINAGE DIST NO 2