

Digital Photos

Date photographed

11/14/2003



picture of well with tag no. A0002420 This well replaces an old well in the basement of the tavern adjacent. (40' East) Was not able to see that well because there is more junk inside than out.

picture with tag
plumber
mainline
2000. (irrigation)

63-04148B				
James Prescott	location of point(s) of diversion:			
12000 Horseshoe Bend	USR	0313442	0	0
Boise ID 83703		029054	0	0



POU location Map 2000 Photography 63-04148B



1320 0 1320 2640 Feet

-  Point of Diversion
-  Claimed POU
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

Total claimed Acres: N/A



Prepared by: C. Saxton
Date: February 2004



POU location Map 1987 Photography 63-04148B



1320 0 1320 2640 Feet

-  Point of Diversion
-  Claimed POU
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

Total claimed Acres: N/A



Prepared by: C. Saxton
Date: February 2004

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 63-31870
Date Received: 11/2/1993
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES R PRESCOTT Phone: (208)939-8745
12000 HORSESHOE BEND RD
BOISE ID USA 83714

2. Date of Priority: 01/01/1945

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	3	SE	NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.06	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 3

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	3	SE	NE	DOMESTIC	
			SE	NE	COMMERCIAL	

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:

Claim amended and renumbered. 3/24/04

15. Basis of Claim: Beneficial Use

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 63-31870

Ident. Number 63-4148B
Date Received: 11/2/1993
Receipt No: W016914
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES R PRESCOTT Phone: (208)939-8745

12000 HORSESHOE BEND RD
BOISE ID USA ~~83708~~ *83714 JRP*

2. Date of Priority: 01/01/1945

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	3	SE NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.02	
DOMESTIC	1/01	12/31	0.06	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	01E	3	SE NE	COMMERCIAL	
			SE NE	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:

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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): *James Blum* Date: 3/19/04

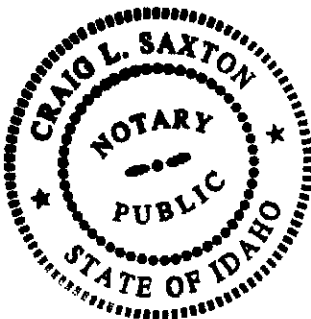
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this
of 19th 2004

Craig L. Saxton
Notary Public

Residing at Ada
My commission Expires 8/14/07



108-20

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

RECEIVED

NOV 02 1993

WATER RESOURCES
WESTERN REGION

Ident. Number: A63-04148B

Date Received: 10/26/1993

Receipt No: 0016914 (208)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES R PRESCOTT 208-939-8745
Address: 12000 HORSESHOE BEND RD
BOISE ID 83703

2. Date of Priority: JAN 1, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	3	NE	NE			ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 3 HOMES; COMMERCIAL, BAR.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	3	NE	NE		DOMEST	
			NE	NE		COMMER	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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): James R. McColl Date: 11-01-93

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of November 19 93 Barbi Marten
Notary Public

Seal

Residing at Boise Id
My Commission Expires 7-29-97

Allen Derr

Attorney and Counselor at Law

Imperial Plaza

Suite 8 - 1st Floor

200 North 3rd Street

P.O. Box 1006

Boise, Idaho 83701-1006

RECEIVED

NOV 02 1993

**WATER RESOURCES
WESTERN REGION**

Telephone (208) 342-2674

Fax (208) 342-2676

November 1, 1993

Jan Shurte
Water Rights Supervisor
Adjudication Section
State of Idaho
Department of Water Resources
Western Region
2736 Airport Way
Boise, ID 83705-5082

Re: James Prescott

Dear Ms. Shurte,

Enclosed please find the Notice of Claim to a Water Right Acquired Under State Law signed by Mr. Prescott together with this firm's check in the amount of \$108.00 as the filing fee (\$50.00 filing fee / \$50.00 late fee) therefor.

Sincerely,

Dictated by Mr. Derr and mailed
in his absence to avoid delay.

Allen R. Derr

ARD/lf

enclosure

cc: James Prescott

Allen Derr & Associates

Attorneys and Counselors at Law

Imperial Plaza

Suite 8 - 1st Floor

200 North 3rd Street

P.O. Box 1006

Boise, Idaho 83701-1006

RECEIVED

OCT 01 1993

Department of Water Resources
Western Regional Office

Telephone (208) 342-2674

Fax (208) 342-2676

Allen Derr

Fred J. Frahm

September 29, 1993

Jan Shurte
Water Rights Supervisor
Adjudication Section
State of Idaho
Department of Water Resources
Western Region
2736 Airport Way
Boise, ID 83705-5082

Re: James Prescott

Dear Ms. Shurte,

Thank you for your letter of September 24, 1993, and enclosed documents concerning claim no. 63-04148.

Mrs. Prescott is deceased. James R. Prescott still owns the property and bar which they owned in 1972 when they filed the notice of claim to a water right.

The additional structures have been occupied since that 1972 claim and irrigation has occurred.

As far as I know, this is the first information Mr. Prescott has received concerning what appears to be the competing claim of the Hormacheas. I would think that both in filing and in beneficial use, Prescott would be ahead of Hormacheas if there is any conflict and that my client should have prior rights.

Sincerely,

Allen B. Derr

ARD/lf

cc: James Prescott

Re: phone conversation
with Mr. Derr I sent
him a claim form
for another claim on this
right - A63-04148B. JF
10-26-93



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 24, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Allen Derr & Associates
P.O. Box 1006
Boise, ID 83701-1006

Dear Mr. Derr:

Enclosed is a copy of the Notice of Claim to a Water Right filed on the existing Claim No. 63-04148. This claim was filed by Richard M. and/or Mary B. Hormachea for one home and stockwater uses. Also enclosed is a copy of the original claim filed by Mr. & Mrs. Prescott in 1972 (a copy was not enclosed with your letter as stated).

Please note that the original claim was filed for three homes and commercial use for a bar. If Mrs. Prescott still owns one of the original homes or bar, then she could still file a claim for a portion of this original right. A claim in the Snake River Basin Adjudication is not required for domestic uses, under single ownership, for up to 13,000 gallons per day and no more than 1/2 acre of irrigation.

If you have any questions concerning this claim or the filing of another, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Jan Shurte".

Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh
Enclosures

Allen Derr & Associates

Attorneys and Counselors at Law
Imperial Plaza
Suite 8 — 1st Floor
200 North 3rd Street
P.O. Box 1006
Boise, Idaho 83701-1006

Telephone (208) 342-2674

Fax (208) 342-2676

Allen Derr

Fred J. Frahm

RECEIVED
SEP 22 1993

Department of Water Resources
Western Regional Office

September 20, 1993

State of Idaho
Department of Water Administration
Western District Office
2735 Airport Way
Boise, ID 83705

Re: Claim to water right #63-4148

Dear Department of Water Administration personnel,

I have received no response from you to my letter of September 1, 1993, a copy of which is enclosed for your ready reference. Would you please let me know what Mr. Prescott needs to do at this point in order to perfect his water right claim.

Sincerely,

Dictated by Mr. Derr and mailed
in his absence to avoid delay.

Allen R. Derr

ARD/lf
enclosure
cc: James Prescott

*Ant
response on
9/24/93*

Allen Derr & Associates

Attorneys and Counselors at Law
Imperial Plaza
Suite 8 — 1st Floor
200 North 3rd Street
P.O. Box 1006
Boise, Idaho 83701-1006

Telephone (208) 342-2674

Fax (208) 342-2676

Allen Derr
Fred J. Frahm

September 1, 1993

RECEIVED
SEP 02 1993

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Administration
Western District Office
2735 Airport Way
Boise, ID 83705

Re: Claim to water right #63-4148

Dear Department of Water Administration personnel,

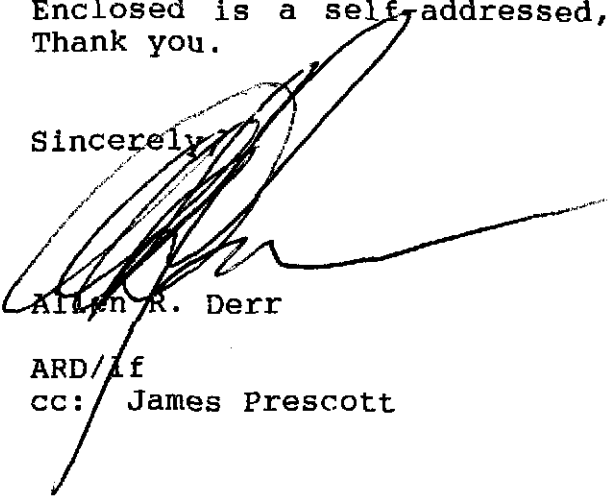
I have been consulted by James Prescott. He and his late wife, Margaret J. Prescott, made a claim to a water right back in 1972, an unsigned copy of the claim, which should be on file with you is enclosed herewith for your reference.

Mr. Prescott has no recollection of following through further with this.

The purpose of this letter is to inquire what Mr. Prescott now needs to do to perfect a claim to a water right, particularly in light of the Snake River adjudication. He is still on a well.

Any information you can give us will be greatly appreciated. Enclosed is a self-addressed, stamped envelope for your reply. Thank you.

Sincerely,


Allen R. Derr

ARD/lf

cc: James Prescott

NO claim was
enclosed
Herewith

11

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, October 02, 2007 1:52 PM
To: tbooth@srba.state.id.us
Cc: Shurte, Jan
Subject: 63-31870
Attachments: 20071002135106284.pdf

Ted,

Your question on this one dealt with the recommendation having both commercial(1 bar) and domestic use(3 homes) with the overall volume limited to 2,500 gpd. Your question was that it seemed maybe it should have a 2,500 gpd limiter on the commercial and a 13,000 gallon per day limiter on the domestic.

For a claim that was submitted for both commercial and domestic purposes we required evidence of priority to be filed as it is not considered a de minimus right and/or domestic exempted right under 42-111. In this case the claimant was unable to submit evidence of priority. Rather than totally disallow the right based on no evidence of priority, the agent opted to limit the total to 2,500 gpd under the subsection 1 (B) exemption of 42-111. Because the commercial use was also claimed we had to go with the Part B exemption rather than the Part A exemption for the 13,000 gpd. Then, subsection 2 makes it so that we cannot have a commercial use claimed with domestic use and be an exempted use under subsection 1, (A). So, that is why the agent went with the 2,500 gpd rather than the 13,000 gpd. If they could have submitted evidence of priority we would not have had any limitations.

Last but not least, subsection 3 prevents us from splitting the two uses out to become two exempted uses with the same priority date.

Attached is a memo to the file by the agent who reviewed this claim. One of the hardest code sections to define is 42-111. The Department has had endless meetings and memos to try and come up with how we interpret it and this decision came from those. Let me know if you have a problem with this one because I know I always have.

Thanks,
Jan

10/2/2007

Shurte, Jan

From: Ted Booth [tbooth@srba.state.id.us]
Sent: Tuesday, January 16, 2007 10:34 AM
To: Shurte, Jan
Subject: 63-31870

Jan,

This one has both commercial and domestic (3 homes). It has an overall 2.5Kgal/day limitation. It seems that maybe it should have a 2.5Kgal/day limit on the commercial, and a 13Kgal/day limit on the domestic.
Ted Booth

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

1/30/2007

NOTICE OF ERROR
REPLY

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: 63-31870

JAMES R PRESCOTT
12000 HORSESHOE BEND RD
BOISE ID 83714
Telephone Number: (208)939-8745

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: 6/16/05 SIGNATURE: James R. Prescott
Please print your name: James R. Prescott

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

*OK filed
6-17-05*

03/24/2004

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

RIGHT NUMBER: 63-31870
NAME AND ADDRESS: JAMES R PRESCOTT
12000 HORSESHOE BEND RD
BOISE ID 83714
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.080 CFS
The quantity of water under this right shall not exceed 2,500 gallons per day.
PRIORITY DATE: 01/01/1945
POINT OF DIVERSION:
T04N R01E S3 SENE 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	0.060 CFS
COMMERCIAL	01/01 12/31	0.020 CFS
Domestic use is for 3 home.		

PLACE OF USE: DOMESTIC Within ADA County
T04N R01E S03 SENE
COMMERCIAL Within ADA County
T04N R01E S03 SENE

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
Commercial use is for 1 bar.
Parcel #: S0503141900

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31870 V1

WATER RIGHT NUMBER: 63-31870 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES R PRESCOTT 12000 HORSESHOE BEND RD BOISE, ID 83714 (208)939-8745

Priority Date: 01/01/1945

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	0.060 CFS	
COMMERCIAL	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 3, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	3				X													

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	3				X													

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N06 The quantity of water under this right shall not exceed 2,500 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31870 V1

3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. X01 Domestic use is for 3 home.

Remarks:

1. Explanatory Commercial use is for 1 bar.
2. Explanatory Parcel #: S0503141900

Comments:

1. csaxton 3/24/2004 Recommendation
Comment: See memo in file.

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:
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	3/24/2004 3:50:54 PM	csaxton			Active
Summary			03/24/2004	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	3/24/2004 3:50:55 PM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Met with claimant on 3/19/04
POU	3/24/2004 4:12:40 PM	csaxton	Edited shape boundary
POU	3/24/2004 4:13:03 PM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31870 V1

Summary	3/24/2004 4:19:21 PM	csaxton	(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?
POD	3/24/2004 4:10:31 PM	csaxton	Edited point location

MEMORANDUM

Date: March 24, 2004

From: Craig L. Saxton

To: File

Re: SRBA claim 63-31870

I met with claimant James Prescott on Friday March 19, 2004 regarding his SRBA claim. I had originally contacted him regarding needing evidence of priority and to inform him that a contractor would be meeting with him for a field exam.

Darwin Vander Stelt did conduct a field exam on 3/4/04 and confirmed beneficial use. However, he did find out that a new well was drilled in 1995. But according to the claimant, the original well is abandoned. Add c-code.

In my discussion with the claimant, he determined that he could not provide evidence of priority dating back to what was claimed. I discussed his options.

- 1) Find the best evidence of priority you can and we will use that.
- 2) I can recommend the right under domestic definition "B".

The claimant told me that recommending the right under domestic definition "B" would be fine. And I want to note that I was clear that this would limit him to 2500 gpd. He and his daughter agreed that this would be fine.

He will contact me if he changes his mind. Until then, I will recommend the right under domestic definition B and not require priority evidence.

42-381 50 SHEETS 5 SQUARE
42-382 100 SHEETS 5 SQUARE
42-383 200 SHEETS 5 SQUARE

2-17-04 : How many Homes?

: Amended claim and Priority letter sent

Correct legal 4N 1 E S. 3 SE NE

3 domiciles before 1987

17 it etc

Memo

To: Craig
From: Darwin Vander Stelt

RE: 63-04148B 63-02268

James Prescott
12000 Horseshoe Bend Rd
Boise ID 83703

Documents prepared:

no. pages	Item
1	Pictures
0	#N/A
1	Adjudication Field Report
1	Map showing POD & POU

He drilled a new well to replace a defunct one in the basement. He says prior to the highway being re-routed he had 200 customers a day. Calculations of estimated water use on attached page.

3 homes

Pertinent Info:

Adjudication claim # 63-04148B

Name:

James Prescott
12000 Horseshoe Bend Rd
Boise ID 83703

Well Tag(s)	A0002420	0	0
POD Coordinates:	0313442	0	0
USR	029054	0	0

Date Visited: 3/4/2004

Date Office write-up: 1/24/2004

Digital Photos

Date photographed

11/14/2003



picture of well with tag no.
A0002420 This well replaces
an old well in the basement of
the tavern adjacent. (40' East)
Was not able to see that well
because there is more junk
inside than out.

picture
with tag
plumbe
mainlin
2000. (i
irrigatic

63-04148B				
James Prescott	location of point(s) of diversion:			
12000 Horseshoe Bend	USR	0313442	0	0
Boise ID 83703		029054	0	0

Prepared by
Darwin Vender Stelt

Mr Prescott says that prior to 1987 he had about 200 customers per day, and used about 1 gal of fresh water per customer for drinking, dishwashing, clean up etc.

Nr

200 gals /day x's

365 =

73000 gals per year

9733.3333 cf/year

0.22 afa.

1/24/2004

**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) 63-04148BOwner: James Prescott Phone No. 939-8745Current Address: 12000 Horseshoe Bend E Boise ID 83703

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: James Prescott**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: Groundwater Tributary to _____

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

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: New well replaces old one no longer used.
- ☐ 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	
			SE	NE	23	04N	01E	Ada	A0002420	0313442
										029054

Description of diverting works

Well with 3/4 hp submersible pump

artesian wells.

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☒ Incomplete on claim, the total is, Amount 0.02 CFS 0.22 AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

See calculations of volume

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

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	
04N	1E	3				D,C													0

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

Delivery system Narrative:

New well with 3/4 hp submersible pump. Owner will supply data on depth etc.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002420		3/4			

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

See photos and drawing for explanations of the system.



AFTER EXAM THE FILE SHOULD CONTAIN:

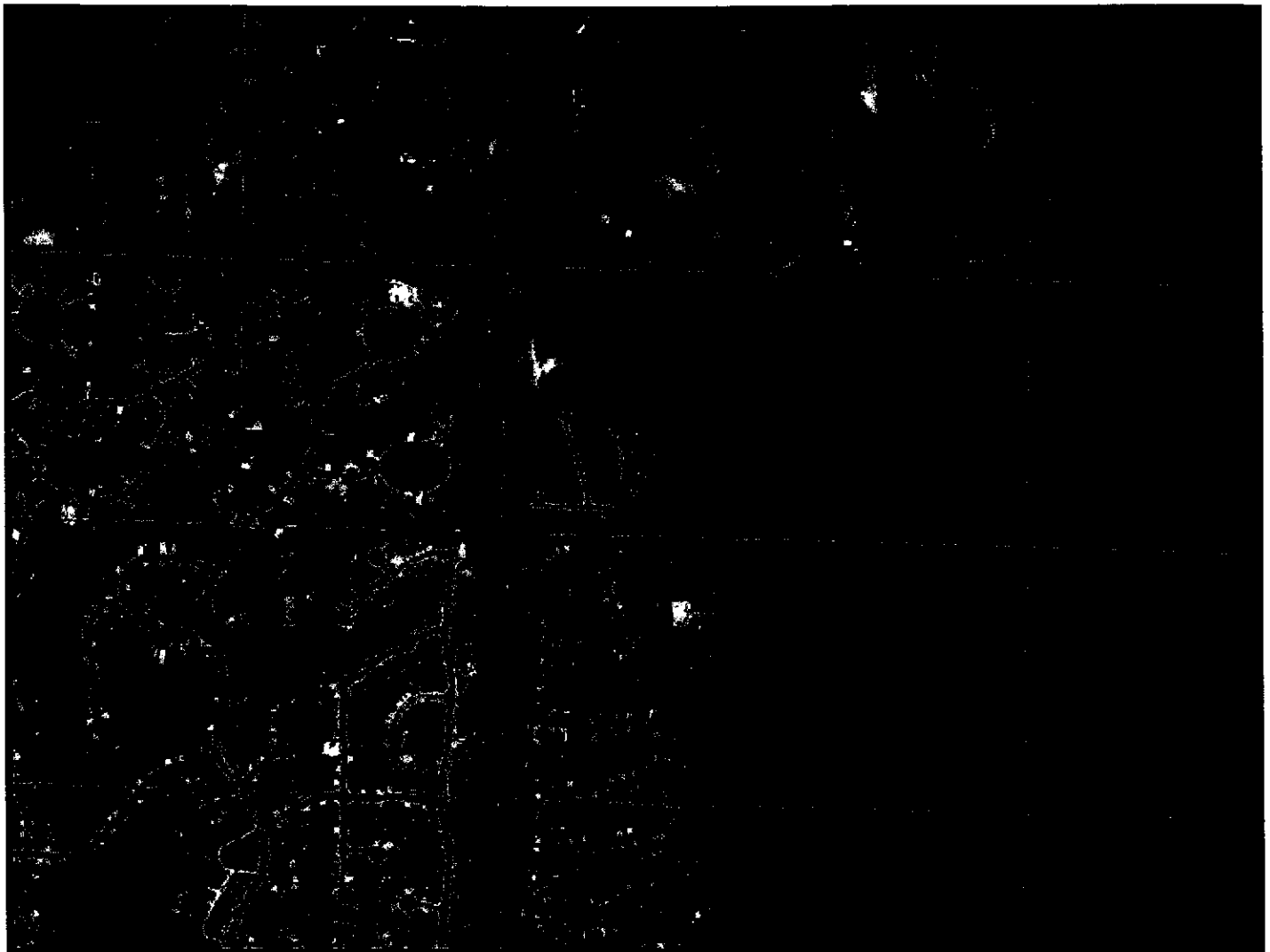
- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: Darin Vandenberg 3/4/2004



POU location Map 2000 Photography 63-04148B



1320 0 1320 2640 Feet



Point of Diversion



Claimed POU



Ada County Tax Lot Data

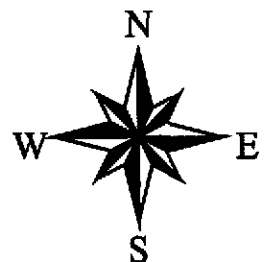


Quarter Quarter Lines



Section Lines

Total claimed Acres: N/A



Prepared by: C. Saxton
Date: February 2004



POU location Map 1987 Photography 63-04148B



1320 0 1320 2640 Feet



● Point of Diversion

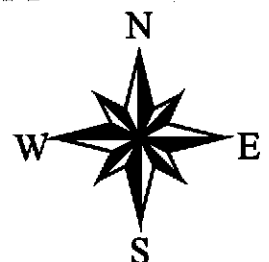
□ Claimed POU

□ Ada County Tax Lot Data

□ Quarter Quarter Lines

□ Section Lines

Total claimed Acres: N/A



Prepared by: C. Saxton
Date: February 2004



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

February 17, 2004

JAMES R PRESCOTT
12000 HORSESHOE BEND RD
BOISE ID 83703

RE: Amended Claim

Dear Mr. Prescott,

We spoke on the phone today about Snake River Basin Adjudication (SRBA) claim 63-04148B. After discussing the location of the bar that the claim was filed on for commercial use, I was able to locate the legal description.

It appears that there was a typo or something along those lines that placed the claimed place of use, about 6 miles from it's actual location. And the 40 acre tract defined by the claim was incorrect. I used your description and Ada County tax-lot information to find the actual location of the parcel.

In order for me to make an accurate recommendation to the SRBA court, the claim will need to be amended. I am enclosing an amended claim for your approval. I have highlighted in yellow the changes I have made. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office as soon as possible.

In addition, evidence of priority needs to be submitted. I have also enclosed an evidence of priority letter that should explain what is needed. And, a department representative will most likely be contacting you in the near future to conduct a field exam.

Please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 17, 2004

63-04148B

JAMES R PRESCOTT

12000 HORSESHOE BEND RD

BOISE ID 83703

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 63. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

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

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

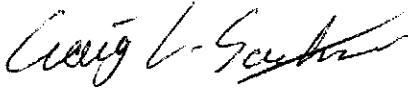
It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by March 19, 2004 referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 334-2190.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a filed exam in order to verify the elements of your water right.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 63-04148B

Identification No. _____

Claim No. 63-4148

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant James R. & Margaret J. Prescott
post office address Route #1 Boise Idaho 83702

2. The point of diversion is in NE 1/4 of NE 1/4 Section 3 Township 4N
Range 1W B.M. located on underground
(name of source)
tributary to _____ in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

<u>1945</u>	<u>Domestic</u>	amount: <u>.06</u>	c.f.s. or	_____	acre feet
<u>1945</u>	<u>Commercial</u>	amount: <u>.02</u>	c.f.s. or	_____	acre feet
		amount: _____	c.f.s. or	_____	acre feet
Total claimed <u>.08</u> c.f.s. or _____ acre feet.					

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from 1/1 to 12/31 (both dates inclusive)
use Commercial period of use from 1/1 to 12/31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 260 feet; diameter of well is 4 inches; type of pump is Jacuzzi Submersable (127 ft.)
capacity of pump is 9 g.p.m.; name and address of well driller is Jack ~~XXXX~~ Derr
535 g.p.hour (deceased)

Hawley Hill of the Water Commission advised me on this report. 63 4148

63
was first compe

40' down at water level. Because wooden pipe broke & was showing (it was a

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet

year construction commenced _____; year completed _____; date first used _____

is reservoir on or off stream explain

if function `eval` is used, it is recommended to use `eval('1 + 1')` instead of `eval(1 + 1)`.

location of reservoir by 40-acre subdivisions. _____

describe _____

NO RESERVOIR



— — — — —

1000

NO DITCH

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities.

Well driller - Harvey Stone - Claudia Lane Boise, Idaho gave us the information on this well previous to May 1964 when we ~~XXXXXXXXXX~~ purchased ~~the~~ the property from Mrs. Jenny Bingham (deceased) as she did not give us any information I called the original owner who lead the well drilled (in 45 or 46 from what I can find out) Harvey Bingham & he said someone stole all his records & would not furnish any information whatsoever. Harvey Stone (Well Driller) says original well was 350 feet in 1945 or 46 but filled up some with sand.

County of Ada

Sworn to before me this 22 day of May, 1972

Claimant

Notary Public

Residing at

My commission expires

Received by SP Date 5/22/1972

Exception filed by:

Forwarded to
claimant by:

Date _____

prelim. check by SP Date 5/22/1972

Fee received by Date 5-22-72 Fee \$ 16.00

Approved for publication by ADP

Published in 6/27/1977 Dates 7-27-77

1722

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

Receipt Details for ID W016914

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
11/2/1993 2:46:04 PM	11/2/1993	Western	\$108.00	Check
Payer		DERR, ALLEN R.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
8692			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FILING FEES**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$108.00	ADJUDICATION FILING FEES	41503	337	0	0	1155

Refund(s):

Amount	Payee	Date	Document Number
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