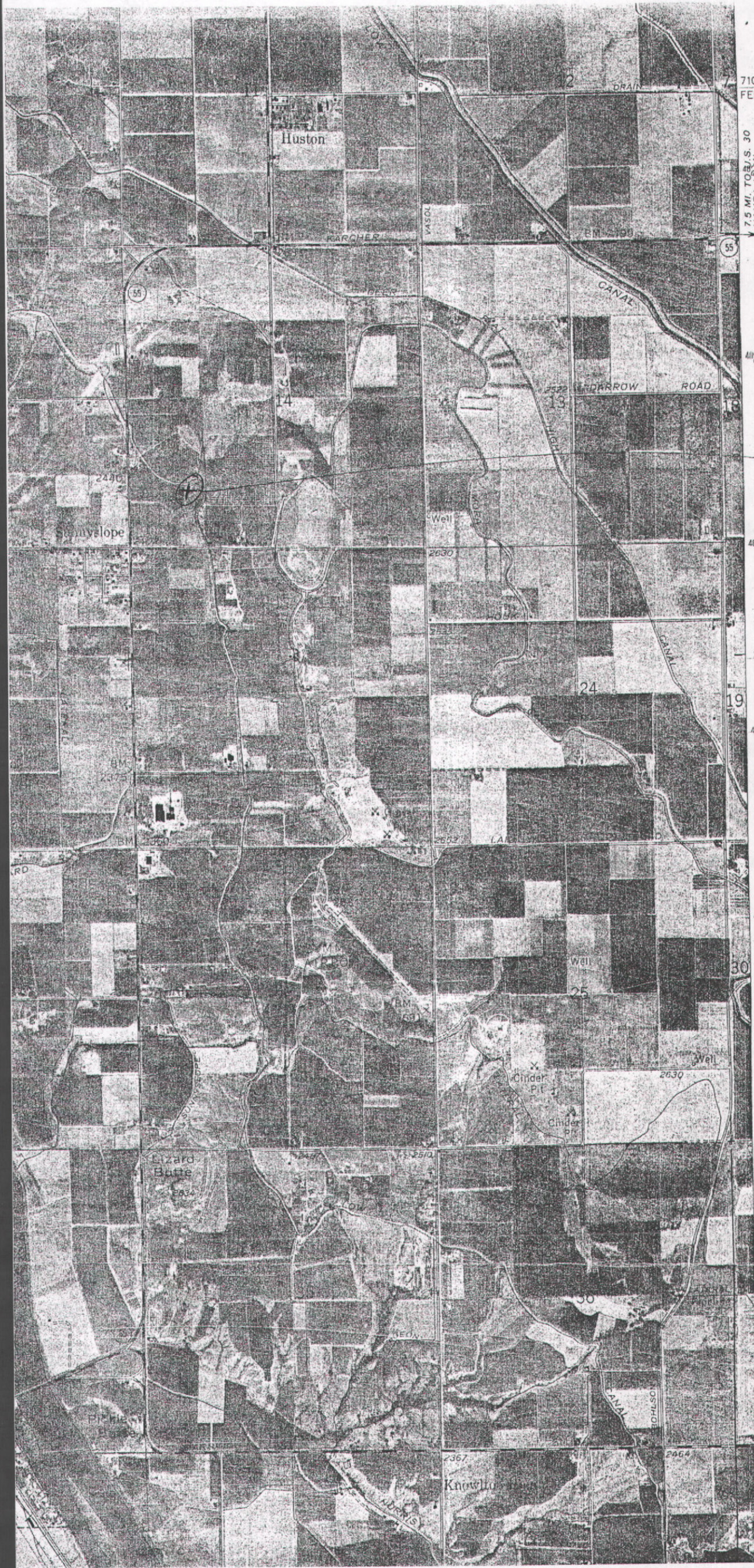




710 000
FEET

7.5 MI. TO U.S. 30
NAMPA 100 MI.

T 3N
R 4W
Sec. 14

41127 Frances Symms
Spring

P/D.

4826

35'

4825

4824

4823

422 N.

NAMPA (U.S. 30) 15 MI.

421

32' 30"

T 3
T 2

Idaho Department of Water Resources

Claim Number: 63-28920
 Legal: T03N, R04W, S14
 Reviewed By:

● Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 63-28920
Legal: T03N, R04W, S14
Reviewed By:

● Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines



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: A63-28920
Date Received: 2/27/1990
Receipt No: W009767
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCES S SYMMS 208-385-0717
Address: 2033 S SPRINGBROOK
BOISE ID 83702

2. Date of Priority: JUL 8, 1918

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	14	SW	SW	SW		CANYON

5. Description of diverting works:
SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER,

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	14	SW	SW		IRR	12.0

MICROFILMED

AUG 03 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	12.0
					Total Acres	12.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS HAS ALSO SUPPLIED WATER TO STOCK IN THE PAST AND MIGHT BE SO
USED AGAIN.

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: _____

MICROFILMED

AUG 03 1994

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 _____

MICROFILMED

AUG 03 1994

62.00

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:

Ident. Number

Date Received

Receipt Number

39356

A63-38920

2/27/90

W009767

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 27 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Francis S. Symms Phone (208) 385-0717Mailing Address 2033 S. Springbrook, Boise, Idaho Zip 837022. Date of Priority (Only one (1) per claim) July 8, 19183. Source of water supply (a) Spring
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 3N Range 4W Section 14,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

MICROFILMED

AUG 8 3 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from March 15 to Nov. 15 amount .4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	4W	14											12						12

Total number of acres irrigated 12

11. In which county (ies) are lands listed above as place of use located? Canyon

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. _____ or None (X)

14. Remarks: This has also supplied water to stock in the past and
might be so used again.

MICROFILMED

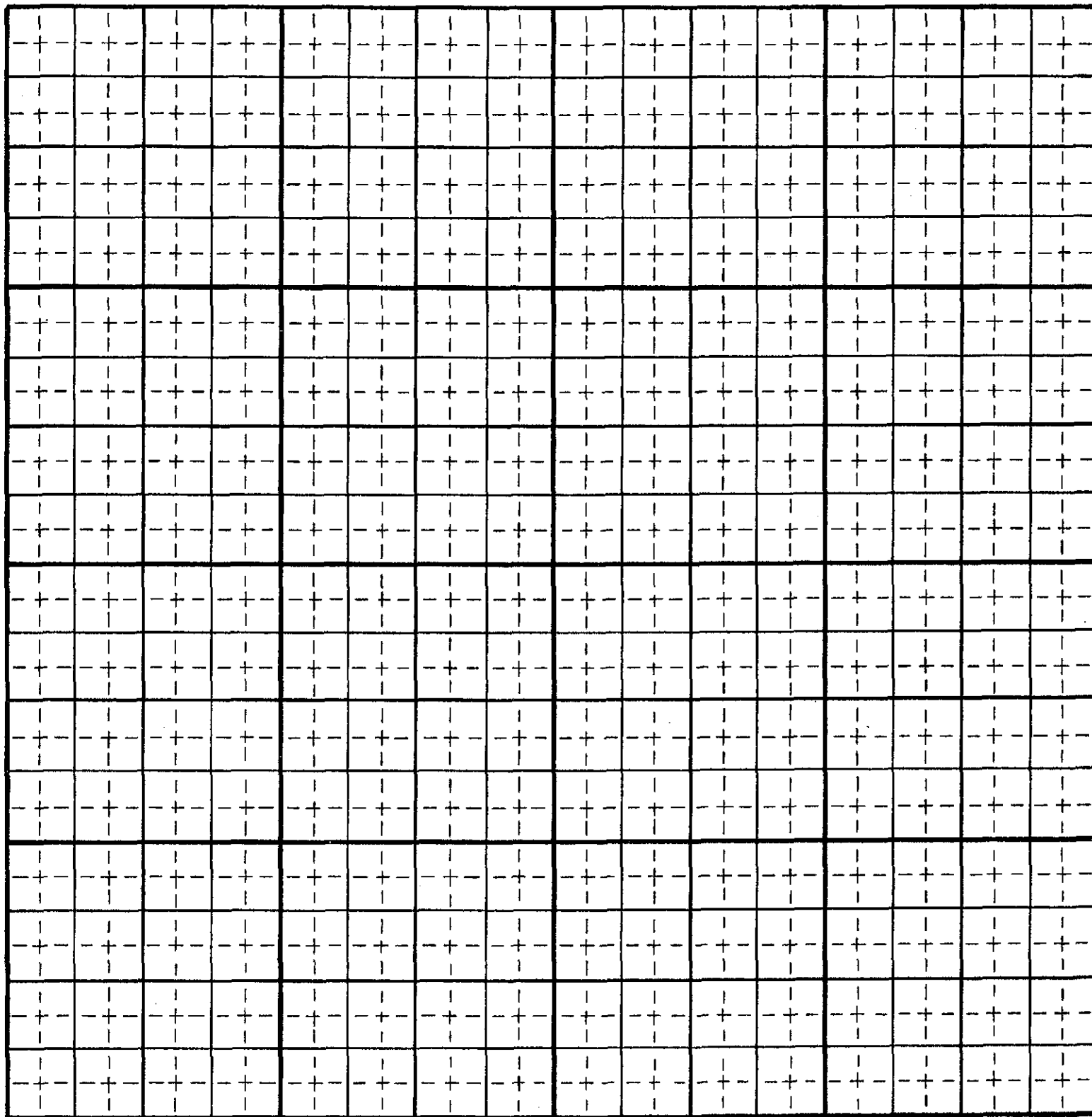
Last Name Symms Ident No. _____

AUG 03 1994
Copies: White State, Yellow Cidmant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP



MICROFILMED

AUG 03 1994

Last Name Symms Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1 (Map)

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

Signature of Claimant (s) Frances A. Symms Date 2-26-90

Date _____

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

Title

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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 26th day of February 1990

SEAL

Notary Public Belle S. Bates

Residing at Caldwell, Idaho

My Commission Expires May 15, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

AUG 03 1994

Last Name Symms Ident. Number _____

Copies White-State, Yellow-Claimant



710 000
FEET

7.5 MI. TO B.S. 30
NAMPA 10.8 MI.

T3N
R4W
Sec. 14

4827
Frances Symms
Spring

P/D.

4826

35'

4825

4824

4823

4822 N.

NAMPA (U.S. 30) 15 MI.

4821

32' 30"

T3
T2

ADJUDICATION CLAIM REVIEW CHECKLIST

82-1-92.4

CLAIMANT'S NAME

Symms

CLAIM IDENT. NO.

A63 -

DATE RECEIVED

2/27/90

RECEIPT #

W009767

FEE PAID \$

1838

FEE REQ'D \$

1042

Required
Info?

YES

NO

*

1. Is the name and address complete with zip code?

✓

—

*

2. Is a priority date entered?

✓

—

*

Is the priority date acceptable in view of mandatory filing dates?

✓

—

*

See Adjudication Memos #1 and #4 to determine if a Permit is required.

3. (a) Is a source entered?

✓

—

*

(b) Is a tributary to entered? (if required) N/A

—

✓

*

4. Is the legal description of the p.d. sufficient?

✓

—

*

5. Is there a description of the diverting works?

✓

—

*

6. Are the water uses appropriate for the form?

—

—

*

The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.

Is the period of use included?

✓

—

*

Is a quantity claimed for each use?

✓

—

*

7. Is a total quantity claimed entered?

✓

—

*

8. If required is a consumptive use entered? N/A

—

✓

*

Is the consumptive use correct? N/A

—

✓

*

9. Are the non-irrigation uses listed showing # of homes, hd. of stock?

—

—

*

If multiple domestic, is single ownership indicated?

—

—

*

10. Is (are) the place(s) of use and purpose(s) indicated?

✓

—

*

11. Is (are) the county(ies) entered?

✓

—

*

12. Is the ownership of p.u. checked?

✓

—

*

13. Are other water rights listed or "none" indicated?

✓

—

*

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.) N/A

✓

—

*

15. Is the basis of the claim indicated?

✓

—

*

16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A

✓

—

*

If yes, compare claim w/existing right and attach proof report noting any differences in comments.

If no, was water right no. found?

—

—

*

17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A

—

—

*

(If yes, attach a proof report & complete number change)

NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.

MICROFILMED

18. If the claimant requested a monthly docket sheet, was the fee paid? N/A

✓

—

*

AUG 03 1994

19. Is the claim signed by the claimant, and is the signature appropriate?

✓

—

*

20. Has the claim been signed, sealed, and dated by a notary?

✓

—

*

21. Was this claim filed on time?

✓

—

*

(Check ML3 for date mailed-not all were mailed on the planned date)

If no, was an extension of time filed & approved?

—

—

*

22. Is the fee enclosed correct? Exempt

✓

—

*

YES NO

23. Is this claim being rejected and returned to claimant? ☐ ☒
24. Can this claim be data entered? ☒ ☐
25. Was claim modified? ☐ ☒
- If yes, do modifications require notification to claimant? . . . ☐ ☒
- Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: HHH Date 2/5/93

Claim data entered by: JDL Date 6-2-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Spring is tributary to Snake
River per quad X54. kw 6/2/93

G. Dar Symms
14068 Sunny Slope Road
Caldwell, ID 83607
208-459-4821 tel.
208-459-6932 fax.
Attorney for Objector

RECEIVED

JUN 13 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

A. Subcase 63-28920

)

Case No. 39576

)

STANDARD FORM 1
OBJECTION

)

)

)

Comes now, Symms Fruit Ranch, Inc. (SFR), and objects to the Idaho Department
of Water Resources recommendation to disallow the above referenced water right.

B. NAME AND ADDRESS OF PERSON OBJECTING.

Symms Fruit Ranch, Inc.
14068 Sunny Slope Road
Caldwell, Idaho 83607
Telephone: 208-459-4821

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT.

Frances Symms
2033 S. Springbrook
Boise, ID 83706

D. REASON FOR OBJECTION.

SFR objects to the Department's recommendation to disallow the water right
because the water right has been used for beneficial use continuously since the priority
date.

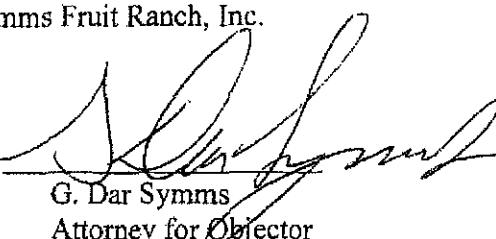
E. REASONS SUPPORTING OBJECTION.

See affidavit of R. A. Symms attached hereto.

Dated this 12TH day of June, 2007.

Symms Fruit Ranch, Inc.

By


G. Dar Symms

Attorney for Objector

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12TH day of June, 2007, I served the original and a true and accurate copy of the foregoing document by U.S. Mail, upon the following as follows:

1. Original to:

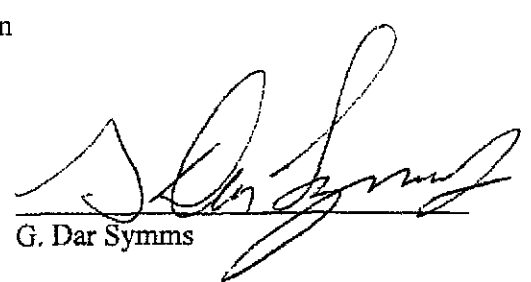
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


G. Dar Symms



SYMMS FRUIT RANCH, INC.

14068 Sunny Slope Road • Caldwell, Idaho 83607

Telephone: (208) 459-4821 • e-mail: sfr@micron.net

Fax (208) 459-6932

12 June 2007

State of
Kay Walker
Sr. Water Resource Agent
Adjudication Bureau
2735 Airport Way
Boise, ID 83705-5082

Re: Objections to Disallowed Water Rights Nos. 63-27265, 63-28920, 63-28946 and 63-29739.

Dear Ms. Walker:

The original Standard Form 1 Objection has been sent to the Clerk of the District Court and copies have been sent to the IDWR Document Depository, to the Chief, Natural Resources Division of the Office of Attorney General and to the United States Department of Justice as prescribed by the form.

Please advise if anything else is necessary to proceed with Symms Fruit Ranch, Inc's objections to the above referenced disallowed water rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Dar Symms', written over a horizontal line.

G. Dar Symms

RECEIVED

JUN 13 2007

WATER RESOURCES
WESTERN REGION



G. Dar Symms
14068 Sunny Slope Road
Caldwell, ID 83607
208-459-4821 tel.
208-459-6932 fax.
Attorney for Objector

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

A. Subcase 63-28920

)

Case No. 39576

)

)

AFFIDAVIT OF
R. A. SYMMS

)

)

Comes now, R. A. Symms, after first being duly sworn upon oath, and deposes
and states as follows:

1. I am the president of Symms Fruit Ranch, Inc. (SFR) and have worked there full time since 1961.
2. Attached hereto is a true and accurate copy of an affidavit that I wrote and swore to in November of 2006.
3. In addition to the statements made therein, my father, told me that he personally knew that the water right was used since 1918. Further, Mr. Bob Collins grew up in the house on the property in question and he knows the water right had been used by his father since 1918.

Dated this 11 day of June, 2007.

By:

R. A. Symms
R. A. Symms

State of Idaho

County of Canyon

On this 11 day of June, 2007, before me Eileen M. Berkenbile a notary public,
personally appeared R. A. Symms, personally known to me to be the person
whose name is subscribed to this instrument, and acknowledged that he executed the
same.

Eileen M. Berkenbile
Notary Public
My Commission Expires on 7-14-2012



NOV 1 1 2006

RECEIVED

NOV 8 2006

WATER RESOURCES
WESTERN REGION

3 November 2006

Ms. Kay Walker
Sr. Water Resource Agent
Water Allocation Bureau
322 East Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Frances Symms Water Right 63-28920

Dear Ms. Walker:

I, R. A. Symms, come now, after first being duly sworn upon oath, and depose and state as follows:

1. I am the president of Symms Fruit Ranch, Inc. (SFR) and have worked there full time since 1961. The Frances Symms property is located in the Sunny Slope area, about one mile from SFR headquarters. I have lived or worked in Sunny Slope all of my life, since 1935, with the exception of about seven years during college and the military; and
2. The above referenced water right has been used since 1918. Prior to our ownership and use of this claim D. Kaufman, L. Olson and the Collins family used this water for irrigation.

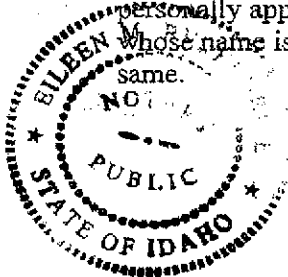
Dated this 3 day of November, 2006.

By: R. A. Symms
R. A. Symms

State of Idaho

County of Canyon

On this 3 day of November, 2006, before me Eileen M. Berkenbile, a notary public, personally appeared R. A. Symms, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



Eileen M. Berkenbile
Notary Public
My Commission Expires on 7-14-2012

AFFIDAVIT OF R. A. SYMMS - 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 21, 2007

SYMMS FRUIT RANCH INC
ATTN: DICK SYMMS
14068 SUNNY SLOPE RD
CALDWELL ID 83607

RE: Notice of Claims to Water Rights Nos. 63-27265 (Lizard Partnership), 63-28920 (Frances Symms), 63-28946 (Symms Fruit Ranch Inc.) and 63-29739 (Symms Fruit Ranch Inc.)

Dear Mr. Symms:

We received the Evidence of Priority affidavits that you submitted in regard to the above referenced claims on November 3rd, 2006. If you will recall these claims were recommended for disallow because we had not received any Evidence documenting the claimed priority dates. The evidence of priority was submitted so closely to the time our recommendations were to be submitted to the SRBA Court that we did not change our preliminary recommendations and the claims remained as disallowed in our Director's report. Please be advised that if you wish to pursue obtaining decreed rights for these claims, you should file a Standard Form 1 – Objection – with the SRBA Court that will allow us time to conduct a field examination of the water uses and revise our recommendations before the court decrees the claims as disallowed. I have enclosed a Standard Form 1 for your convenience. This form can also be obtained over the internet at www.srba.state.id.us if you need additional forms.

I have enclosed computer-generated reports of each of the above referenced claims for your convenience. The evidence submitted only documents evidence of use since 1961 so the additional time allowed during objection period would also allow you to obtain additional information in regard to evidence of priority if you wish to submit additional evidence.

If you have any questions in regard to this matter, please feel free to contact me at 334-2190. I have recently changed positions within the Department and am now located at our Western Regional office at 2735 Airport Way in Boise.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

WA

NOV 1 1 2006

RECEIVED

NOV 8 2006

WATER RESOURCES
WESTERN REGION

3 November 2006

Ms. Kay Walker
Sr. Water Resource Agent
Water Allocation Bureau
322 East Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Frances Symms Water Right 63-28920

Dear Ms. Walker:

I, R. A. Symms, come now, after first being duly sworn upon oath, and depose and state as follows:

1. I am the president of Symms Fruit Ranch, Inc. (SFR) and have worked there full time since 1961. The Frances Symms property is located in the Sunny Slope area, about one mile from SFR headquarters. I have lived or worked in Sunny Slope all of my life, since 1935, with the exception of about seven years during college and the military; and
2. The above referenced water right has been used since 1918. Prior to our ownership and use of this claim D. Kaufman, L. Olson and the Collins family used this water for irrigation.

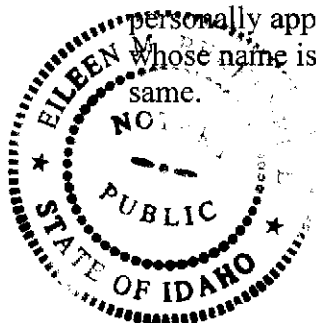
Dated this 3 day of November, 2006.

By: R. A. Symms
R. A. Symms

State of Idaho

County of Canyon

On this 3 day of November, 2006, before me Eileen M. Berkenbile, a notary public, personally appeared R. A. Symms, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



Eileen M. Berkenbile
Notary Public
My Commission Expires on 7-14-2012

3 November 2006

Ms. Kay Walker
Sr. Water Resource Agent
Water Allocation Bureau
322 East Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Frances Symms Water Right 63-28920

Dear Ms. Walker:

I, R. A. Symms, come now, after first being duly sworn upon oath, and depose and state as follows:

1. I am the president of Symms Fruit Ranch, Inc. (SFR) and have worked there full time since 1961. The Frances Symms property is located in the Sunny Slope area, about one mile from SFR headquarters. I have lived or worked in Sunny Slope all of my life, since 1935, with the exception of about seven years during college and the military; and
2. The above referenced water right has been used since 1918. Prior to our ownership and use of this claim D. Kaufman, L. Olson and the Collins family used this water for irrigation.

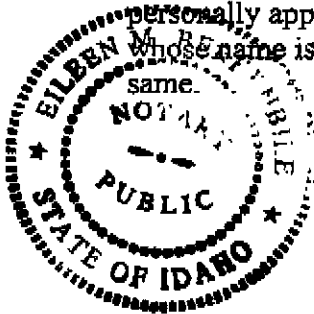
Dated this 3 day of November, 2006.

By: R. A. Symms
R. A. Symms

State of Idaho

County of Canyon

On this 3 day of November, 2006, before me Eileen M. Berkenbile, a notary public, personally appeared R. A. Symms, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



Eileen M. Berkenbile
Notary Public
My Commission Expires on 7-14-2012

SPRING- FRAW

09/30/2006

OCT 27 2006

DEPARTMENT OF
WATER RESOURCESNOTICE 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: October 31, 2006

Water right number: 63-28920

FRANCES S SYMMS
2033 S SPRINGBROOK
BOISE ID 83702
Telephone Number: (208)365-0717

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

ATTACHED IS DOCUMENTATION OF WATER RIGHT

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

ALLOW WATER RIGHT AS CLAIMED

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

N/A

DISAGREE

I ~~agree~~ with this proposed recommendation: ~~no~~ changes need to be made.

DATE:

25 Oct 2006

SIGNATURE:

R.A. Symms

Please print your name:

R.A. SYMMS

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

SCANNED

OCT 30 2006

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

Ident. Number: A63-28920
Date Received: 2/27/1990
Receipt No: W009767
Received By: _____NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW1. Name: FRANCES S SYMMS 208-385-0717
Address: 2033 S SPRINGBROOK
BOISE ID 83702

2. Date of Priority: JUL 8, 1918

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	14	SW	SW			CANYON

5. Description of diverting works:
SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER,

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	14	SW	SW		IRR	12.0

MICROFILMED

AUG 03 1994

A63-28920

Page 1

Date: 06/02/93

SCANNED

OCT 30 2006

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	12.0
					Total Acres	12.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS HAS ALSO SUPPLIED WATER TO STOCK IN THE PAST AND MIGHT BE SO
USED AGAIN.

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: _____

A63-28920

Page

2

MICROFILMED

AUG 03 1994

Date: 06/02/93

SCANNED

OCT 30 2006

09/17/2006

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

RIGHT NUMBER: 63-28920

NAME AND ADDRESS: FRANCES S SYMMS
2033 S SPRINGBROOK
BOISE ID 83702

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 07/08/1918

POINT OF DIVERSION:

T03N R04W S14 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.400 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T03N R04W S14 SWSW 12.00

12 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.

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-28920

1. No Change NAME IS SAME

NEW OWNER: _____

No Change ADDRESS

NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: _____

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

No evidence of priority date
submitted - POI, P/I

3. No Change — SAME SOURCE

Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION

Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

6. No Change - WATER USES
Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____

Changes found, the new total is, Amount _____ CFS _____ AFA _____

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

SYSTEM DIAGRAM INCLUDED NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-17-06

FIELD EXAMINER:

Ray Walker
Print Name
Ray Walker
Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

May 5, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FRANCES S SYMMS
2033 S SPRINGBROOK
BOISE ID 83702

Re: Claim to a Water Right No. 63-28920

Dear Claimant:

In February of 1990, you submitted the above referenced claim in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated, when this claim was filed, that the water right was based on a "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. This claim 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. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

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. If no evidence is submitted, or we do not hear from you within the time limit below, the priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize the water use under this right, if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel.

The required evidence supporting the priority date must be submitted by **May 26, 2006**, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter, or the enclosed pamphlet, please feel free to call me at 287-4953.

Sincerely,

Kay Walker
Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

Re: Claim No(s). A63-28920

A63-28920
FRANCES S SYMMS
2033 S SPRINGBROOK

BOISE

ID 83702

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have 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 the historical use of water for a beneficial 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 under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

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. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-28920

WATER RIGHT NUMBER: 63-28920

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANCES S SYMMS 2033 S SPRINGBROOK BOISE, ID 83702 (208)385-0717

Priority Date: 07/08/1918
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion
SPRING SW1/4SW1/4 Sec. 14, Twp 03N, Rge 04W, B.M.
CANYON County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	04W	14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	12.0
																			12.0

Total Acres: 12

Conditions of Approval:

1. THIS HAS ALSO SUPPLIED WATER TO STOCK IN THE PAST AND MIGHT BE SO USED AGAIN.

Remarks:

Comments:

Receipt Details for ID W009767

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/28/1990 10:18:39 AM	2/28/1990	Western	\$1,838.00	Check
Payer		SYMMS FRUIT RANCH, INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
14853			
Card Expiration Date	Credit Card Transaction #		

Comment APPLICATION FOR PERMIT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,778.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490
\$60.00	APPLICATION FOR PERMIT	620199	1238	0	0	6390

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	8468		\$185.00	Claim
63	2941		\$210.00	Claim
63	2875		\$111.00	Claim
63	3091		\$130.00	Claim
63	3210		\$50.00	Claim
63	3533		\$50.00	Claim
63	3529		\$50.00	Claim
63	8469		\$130.00	Claim

63	10432		\$185.00	Claim
63	28919		\$25.00	Claim
63	28321		\$25.00	Claim
63	28920		\$62.00	Claim
63	28922		\$25.00	Claim
63	28923		\$25.00	Claim
63	28924		\$25.00	Claim
63	28926		\$25.00	Claim
63	28929		\$25.00	Claim
63	28931		\$25.00	Claim
63	28933		\$25.00	Claim
63	28943		\$25.00	Claim
63	28944		\$25.00	Claim
63	28945		\$25.00	Claim
63	28946		\$80.00	Claim
63	28947		\$25.00	Claim
63	161	AT	\$80.00	Claim
63	30099		\$105.00	Claim
63	30144		\$25.00	Claim

[Print Report](#)

REAL PROPERTY INQUIRY

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+++++
01 6R33371-000- -0 182-00 SCH139+ 01 27,000 50.41
+++++
05 500 14.30
SYMMS, FRANCES + 10 52,800 1.00
+ 19 3.97
+ 31 49,500
+
+
2033 SPRINGBROOK LN
BOISE ID 83706
+++++
14-3N-4W SW + TOTAL 129,800 69.68
W 1/2 SW LS RD ON W ++++++
+ SURVEY INST 9007038
+ DRAIN DR VALUE APPR BWL
+ CLASS R2 REAP 02 MAN 01 UNIT 1
15272 SUNNY SLOPE RD, CA + PARCEL 6R03N04W145400 H/O N C/B N
+ PRIOR ACCOUNT 5R33371-000- -0
+ 02 MH on Property YES
MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R33371000 0 UNIT 001 TOTAL UNITS 1

SITE 15272 SUNNY SLOPE RD CA SEC/TWN/RNG 14-3N-4W
ASSESSED VALUE 129,800 ACREAGE 69.68
SUB/PARK NAME YEAR/MAKE
CLASS R2 RENTAL HOUSE CLASS '2' SPACE LOT BLOCK
+++++
YR BUILT 1909 AIR COND AIR - NONE CARPORT N
STORY 2 STORY HEATING OIL CARPORT SQ FT
FIRST SQ FT 1183 EXTERIOR WOOD SIDING DECK/PATIO? N
SECOND SQ FT 878 ROOF WOOD SHINGLES POOL? N
BEDS 4 BSMT SQ FT 384 SPA? N
BATHS 2.00 % BSMT FIN 50 LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT
+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-28920 Date: 1-16-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	4W	14											12						12
GIS														32						32
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Total Claimed Acres: 12

Total GIS Acres: 32

Overlapping POU Claim #'s: _____

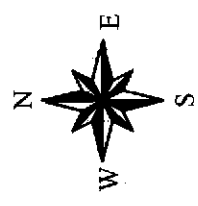
COMMENTS:

can't determine claimed acres within irrigated - No POU map

Idaho Department of Water Resources

Claim Number: 63-28920
Legal: T03N, R04W, S14
Reviewed By:

- ☐ Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ Quarter Quarter Lines



Idaho Department of Water Resources

Claim Number: 63-28920

Legal: T03N, R04W, S14

Reviewed By:

⊙ Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

1987 Napp Photo

