

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 37-11383
Date Received: 10/14/1988
Receipt No: M001595
Received By:

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

1. Name of Claimant(s)

J FAYE HINZMAN Phone: (208)788-6088

101 RIVERVIEW
BELLEVUE ID USA 83313

LESLIE R HINZMAN Phone: (208)788-6088

101 RIVERVIEW
BELLEVUE ID USA 83313

2. Date of Priority: 03/09/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
01N	18E	1	SW	NW	NE	2	BLAINE	

5. Description of diverting works:

102' WELL, 7.5 HP PUMP, 120 GPM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.1	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.1 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
01N	18E	1	NW	NE	2	DOMESTIC	
			NW	NE	2	IRRIGATION	5
						Section Acres	5
						Total Acres	5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

APPLICATION FOR PERMIT HAS BEEN FILED ALSO, (37-08459) P/U IS LOT 1, DRIFTWOOD RANCH SUBD.

| THIS CLAIM IS BASED ON LICENSE 37-02567A, WALTER STEWART, 3/9/55. THE POINT OF DIVERSION WAS CHANGED BY AN UN-RECORDED TRANSFER BY MC MAHAN IN 8/31/1982. THIS CLAIM IS FOR ONLY 5 ACRES OF THE AREA COVERED BY LICENSE 37-02567A.

RVW 4/2/91 THIS AMENDMENT IS A RESULT OF FURTHER RESEARCH TO REVEAL THAT THIS CLAIM IS A PART OF THE ABOVE LICENSE AND PROBABLY DOES NOT REQUIRE FILING FOR A PERMIT.

15. Basis of Claim: License

16. Signature(s)

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

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____

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: A37-11383
Date Received: 10/14/1988
Receipt No: M001595
Received By: [Signature]

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KATHRYN MC MAHAN 208-788-2621
Address: P.O. BOX 595
BELLEVUE, ID 83313

2. Date of Priority: MAR 9, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	1	SW	NW	NE	2	BLAINE

5. Description of diverting works:
102' WELL, 7.5 HP PUMP, 120 GPM

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		
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 13.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	1	NW	NE	2	DOMEST	
			NW	NE	2	IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00113Q

14. Remarks:

APPLICATION FOR PERMIT HAS BEEN FILED ALSO, (37-08459)
P/U IS LOT 1, DRIFTWOOD RANCH SUBD.

THIS CLAIM IS BASED ON LICENSE 37-02567A, WALTER STEWART, 3/9/55.
THE POINT OF DIVERSION WAS CHANGED BY AN UN-RECORDED TRANSFER
BY MC MAHAN IN 8/31/1982. THIS CLAIM IS FOR ONLY 5 ACRES OF
THE AREA COVERED BY LICENSE 37-02567A. RVW 4/2/91
THIS AMENDMENT IS A RESULT OF FURTHER RESEARCH TO REVEAL THAT
THIS CLAIM IS A PART OF THE ABOVE LICENSE AND PROBABLY DOES NOT
REQUIRE FILING FOR A PERMIT.

15. Basis of Claim: LICENSE

16. Signature(s)

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

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 _____

RECORDED
FEB 25 1991

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: A37-11383
Date Received: 9/22/1988
Receipt No: M001595
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KATHRYN MC MAHAN 208-788-2621
Address: P.O. BOX 595
BELLEVUE, ID 83313

2. Date of Priority: AUG 31, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	1	SW	NW	NE	2	BLAINE

5. Description of diverting works:
102' WELL, 7.5 HP PUMP, 120 GPM

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		
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 13.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	1	NW	NE	2	DOMEST	
			NW	NE	2	IRR	5.0

Section Acres 5.0

A37-11383

Page 1

Date: 09/22/88

COPY MICROFILMED
FEB 25 1993

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
 A37-00113N

14. Remarks:
 APPLICATION FOR PERMIT HAS BEEN FILED ALSO.
 P/U IS LOT 1, DRIFTWOOD RANCH SUBD.

15. Basis of Claim: BENEFICIAL USE

COPY

MICROFILMED
FEB 25 1993

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: 2

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): Wathryn B McMahon Date: 10-14-88
Date: _____

State of Idaho)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of October 19 88

J. J. Bell
Notary Public

Seal

Residing at BLAINE COUNTY
My Commission Expires 12/12/93

COPY MICROFILMED
FEB 25 1993

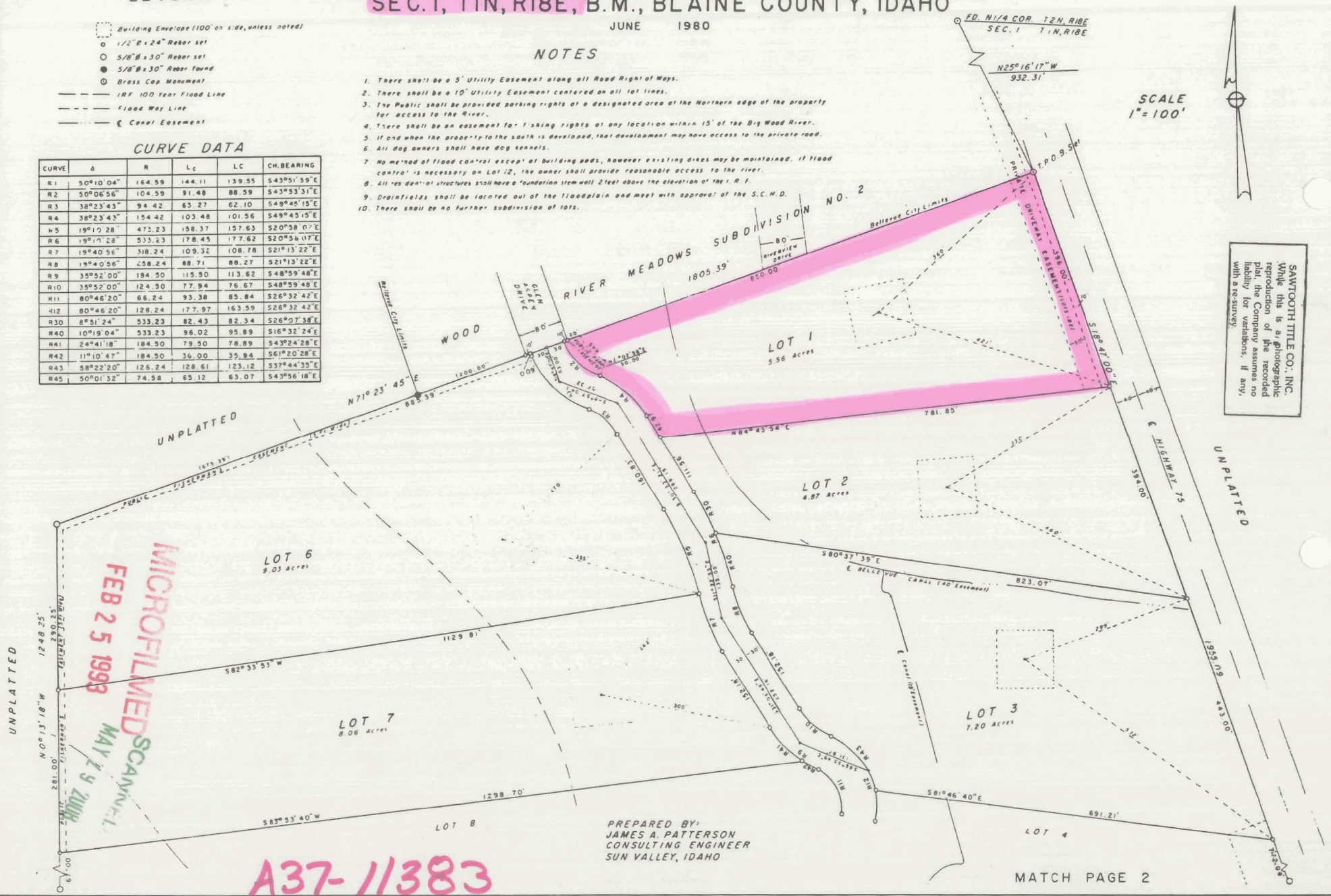
PAGE 1 of 4

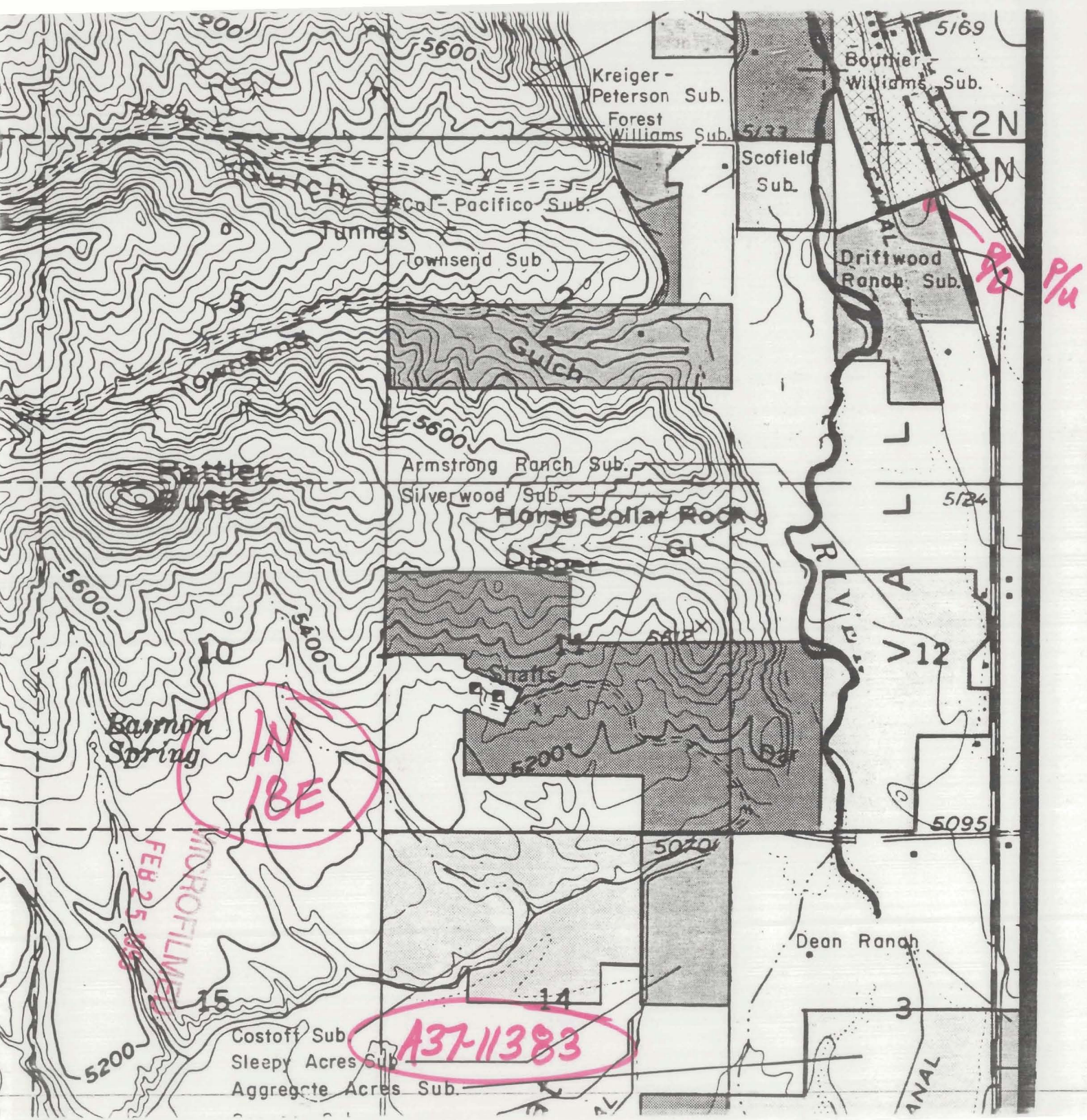
JUNE 1980

Building Envelope (100' on side, unless noted)
 ○ 1/2" x 24" Rebar set
 ○ 5/8" x 30" Rebar set
 ● 5/8" x 30" Rebar found
 ○ Brass Cap Monument
 — IRF 100 Year Flood Line
 — Flood Way Line
 — E Canal Easement

1. There shall be a 5' Utility Easement along all Road Right of Ways.
2. There shall be a 10' Utility Easement centered on all lot lines.
3. The Public shall be provided parking rights at a designated area at the Northern edge of the property for access to the River.
4. There shall be an easement for fishing rights at any location within 15' of the Big Wood River.
5. If and when the property to the south is developed, that development may have access to the private road.
6. All dog owners shall have dog kennels.
7. No method of flood control except at building pads, however existing dikes may be maintained. If flood control is necessary on Lot 12, the owner shall provide reasonable access to the river.
8. All residential structures shall have a foundation stem wall 2feet above the elevation of the R.F.
9. Drainfields shall be located out of the floodplain and meet with approval of the S.C.N.D.
10. There shall be no further subdivision of lots.

CURVE	Δ	R	L_c	LC	CH. BEARING
R1	5°01'00.04"	164.59	144.11	139.55	S 43°51' 59"E
R2	5°00'06.56"	104.59	91.48	88.59	S 43°53' 31"E
R3	38°23'43"	9.4	62.2	62.10	S 49°46' 15"E
R4	38°23'43"	154.42	103.48	101.56	S 49°45' 15"E
R5	19°17' 28"	472.23	158.37	157.63	S 48°58' 07"E
R6	19°17' 28"	533.23	178.45	177.62	S 48°56' 07"E
R7	19°40'56"	318.24	109.32	108.78	S 21°13' 22"E
R8	19°40'56"	258.24	88.71	88.27	S 21°13' 22"E
R9	35°52'00"	194.50	115.50	113.62	S 48°59' 48"E
R10	35°52'00"	124.50	77.94	76.67	S 48°59' 48"E
R11	80°24'00"	66.24	93.38	85.84	S 26°26' 32"E
R12	80°24'00"	126.24	177.97	165.93	S 26°26' 32"E
R30	8°51' 24"	533.23	82.43	82.34	S 26°07' 38"E
R40	10°19' 04"	533.23	96.02	95.89	S 16°32' 24"E
R41	24°41'18"	184.50	79.50	78.89	S 43°24' 28"E
R42	11°10' 47"	184.50	36.00	35.84	S 46°20' 28"E
R43	58°22'30"	126.24	128.61	123.12	S 33°46' 35"E
R45	50°01'32"	74.58	65.12	63.07	S 37°56' 18"E





Jones, Doug

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Thursday, October 28, 2010 11:02 AM
To: Jones, Doug
Subject: RE: Hinzman 1983 photo

Doug,

I talked to Evan and we also called Mr. Hinzman. He is in concurrence and Evan will be calling Nick to confirm. Evan sends his thanks for your efforts on this case, as do I.

Regards,
Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Jones, Doug [<mailto:Doug.Jones@idwr.idaho.gov>]
Sent: Thursday, October 28, 2010 9:15 AM
To: Charles G. Brockway
Cc: Spencer, Nick; Kelly, Vicki
Subject: RE: Hinzman 1983 photo

Dr. Brockway,

Thanks for the '83 image. Notwithstanding information in DWR records that the well was decommissioned in 1979 and that the historical flood irrigation practices appears to be occurring over subdivision roads and around 2 homes – most likely under Big Wood decreed right(s) – IDWR is proposing the attached settlement of this subcase. This is provided ahead of our scheduled meeting this morning for your consideration and consultation with Mr Robertson.

Looking forward to visiting with you at 10 unless I hear otherwise.

Douglas Jones

From: Charles G. Brockway [<mailto:charles.g.brockway@brockwayeng.com>]
Sent: Wednesday, October 27, 2010 2:54 PM
To: Jones, Doug
Subject: Hinzman 1983 photo

Here 'tis.

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301

10/28/2010

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

RIGHT NUMBER: 37-11383

NAME AND ADDRESS: J FAYE HINZMAN
101 RIVERVIEW
BELLEVUE ID 83313

LESLIE R HINZMAN
101 RIVERVIEW
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
14.000 AFY

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

PRIORITY DATE: 03/09/1955

POINT OF DIVERSION:

T01N R18E S1 SWNWNE Lot 2 Within BLAINE 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 0.60 AFY
IRRIGATION	04/15 10/31	0.100 CFS 14.00 AFY

Domestic use is for 1 home and does not include lawn irrigation.

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01 Lot 2 NWNE 3.10 T01N R18E S01 Lot 3 NENW 0.90

DOMESTIC in BLAINE County

T01N R18E S01 Lot 2 NWNE T01N R18E S01 Lot 3 NENW

4 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Parcel No. RP001400000010A.

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

Place of use is located within Lot 1, Driftwood Ranch Subdivision.



37-11383
2009 Photo

D.Jones
10-28-2010



HINZMAN, LES – 1983 FSA AERIAL PHOTO

12/11/2006

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

RIGHT NUMBER: 37-11383

NAME AND ADDRESS: J FAYE HINZMAN
101 RIVERVIEW
BELLEVUE ID 83313

LESLIE R HINZMAN
101 RIVERVIEW
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
5.500 AFY

PRIORITY DATE: 03/09/1955

POINT OF DIVERSION:

T01N R18E S1 SWNWNE Lot 2 Within BLAINE 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 0.60 AFY
IRRIGATION	04/15 10/31	0.040 CFS 4.90 AFY

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01 Lot 2 NWNE 0.50 T01N R18E S01 Lot 3 NENW 0.90

DOMESTIC in BLAINE County

T01N R18E S01 Lot 2 NWNE T01N R18E S01 Lot 3 NENW

1.4 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from 1980 to 1987.

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.

12/11/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

Point of diversion is located within Lot 1, Driftwood Ranch Subdivision.

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

Parcel No. RP001400000010A.

Place of use is located within Lot 1, Driftwood Ranch Subdivision.



Idaho Department of Water Resources

SRBA Recommendation:

37-11383

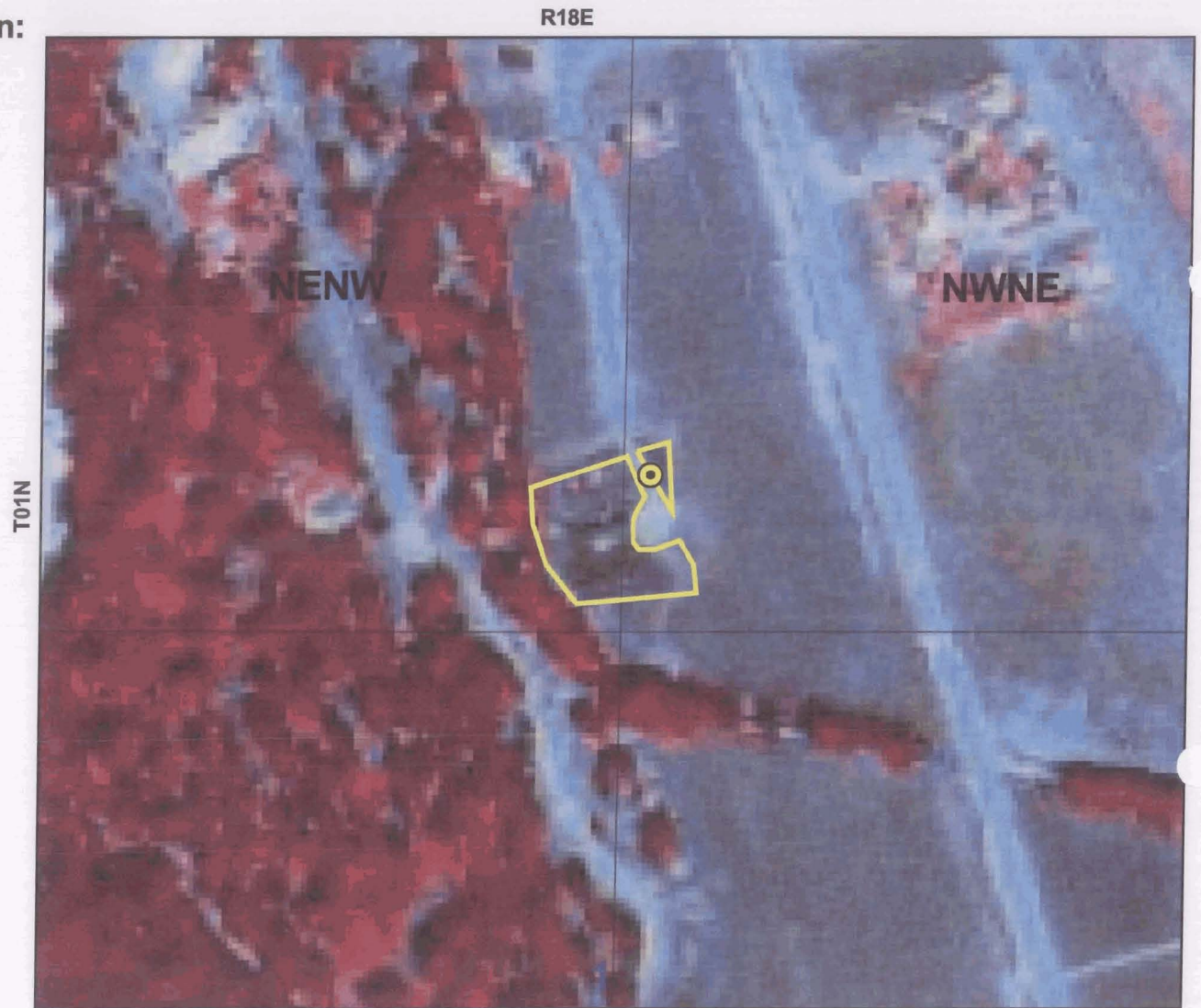
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by S. Keen
On Friday, November 17, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

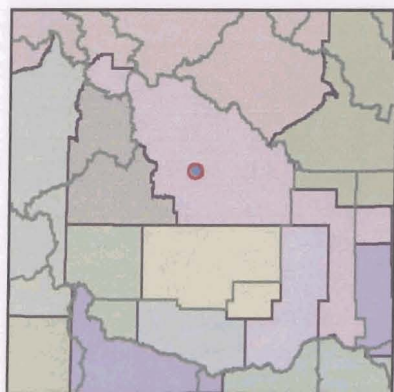
SRBA Recommendation:

37-11383

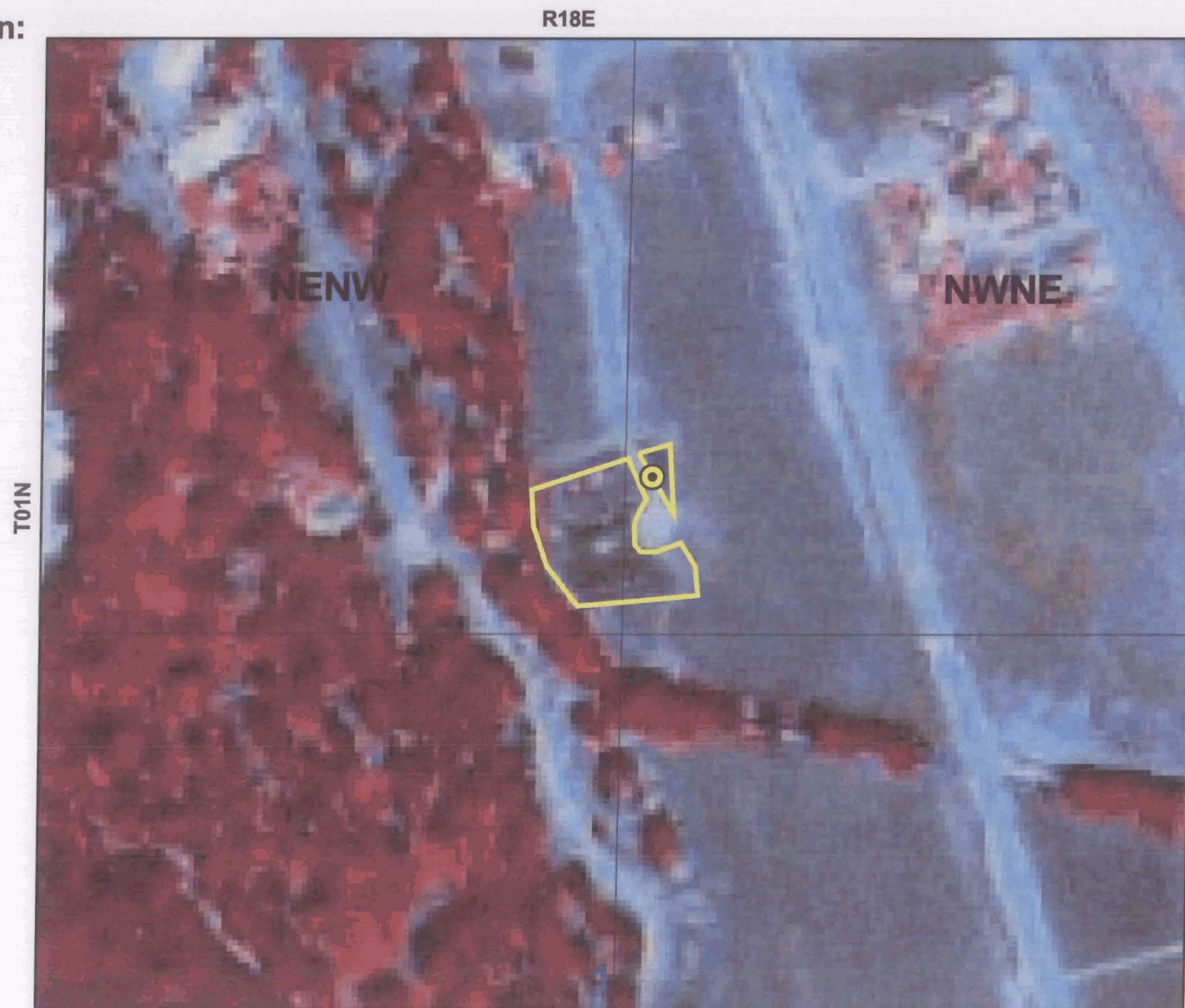
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Friday, November 17, 2006
1987/88 Aerial Photography

11/17/2006

This afternoon Les Hinzman returned my call to discuss his water right claims.

He told me that his well is 30 or 60 feet from the north end of his driveway (the north edge of his property) and 15 feet or so to the east of the driveway.

Mr. Hinzman said that he irrigates the eastern portion of his property from the well. ~~There is~~ I can't find any photographic evidence of irrigation from GW on that portion of his lot between 1980 and 2006, so I am not recommending it.

Mr. Hinzman told me that he doesn't use surface water, but there was a pump (that may have been used for surface water) lying next to the garage when he acquired the property.

S. Keen

J

MEMORANDUM

DATE: November 14, 2006

TO: SRBA Claim File 37-11383

FROM: Shelley W. Keen *(SUK)*

RE: Accomplished change in nature of use

SRBA Claim 37-11383 is for the use of ground water on Lot 1 of Driftwood Ranch Subdivision, which is 5.6 acres total. The lot is in the area previously irrigated by licensed Right 37-2567C, which had 16 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T1N, R18E. According to the claimant's attorney, irrigation under Right 37-2567C ceased in 1979. The 1980 U2 infrared imagery appears to show no irrigation on the place of use for Right 37-2567C. The claimant stated that a well was drilled on Lot 1 of Driftwood Ranch Subdivision in 1982, and irrigation was resumed on the lot in that year. The new well is claimed as an accomplished transfer of the point of diversion. There is a well driller's report from 1982 to corroborate the assertion that use resumed that year.

Domestic use is also listed on Claim 37-11383. Right 37-2567C does not authorize domestic use, but domestic use can be recommended as an accomplished transfer in the nature of use if a sufficient amount of the authorized irrigation was given up and never resumed. The 1987 NAPP infrared aerial photography shows 1.4 acres of irrigation within the 5.6-acre lot, so 4.2 acres of irrigation was given up. The rate and volume associated with 4.2 acres of irrigation is more than sufficient to offset the addition of the domestic use.

Quantity Calculations

Volume

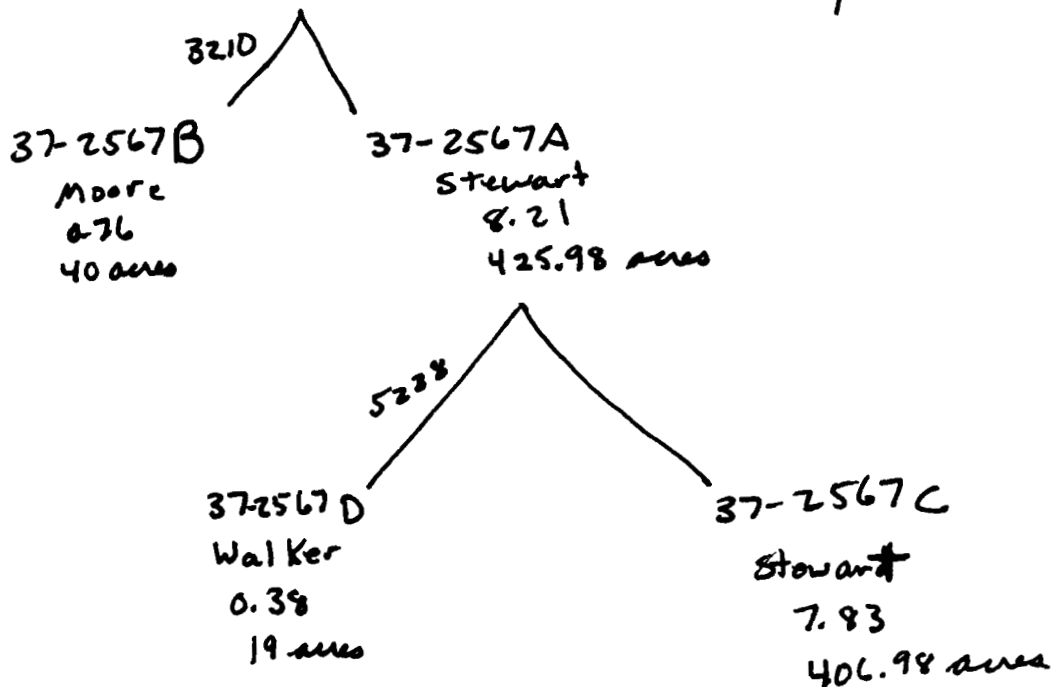
1.4 acres * 3.5 af/acre	= 4.9 af for irrigation
<u>1 home * 0.6 af indoor use</u>	<u>= 0.6 af for domestic</u>
	5.5 af total

Rate

1.4 acres * 0.03 cfs/acre = 0.04 cfs (This exceeds the licensed rate per acre, but enough of the remainder of the right was forfeited to allow the rate to be concentrated on this small acreage in accordance with IDWR's practice of allowing 0.03 cfs per acre for 5 or fewer acres.)

1 home * 0.04 cfs/home = 0.04 cfs

WR# 37-2567 Stewart 8.97 cfs Irr. 465.98 acres



AJ Claims

✓ 37-2567B	Moore 0.76		Doug
37-2567C	Conger 1.13	(Possibly forfeited)	Doug
37-2567D	Judge 1.02		Doug
✓ 37-2567E	Walker 0.38		Shelly
37-11383	McMahan 0.10		Shelly
		3.39	

* New Owners of 37-11383 may be Leslie R. and J. Faye Hingman, 101 Riverview Drive, Bellevue, 83313.

RECEIVED

feet below wind surface.
G.P.M. 100 ft. 100 ft. 100 ft.
B-1.

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

LAW OFFICES OF
LAWSON, PEEBLES, BALLARD & EDSON

EDWARD A. LAWSON
RAND L. PEEBLES
BRIAN L. BALLARD
GARY W. EDSON
CAROL L. SHEPHARD
LESLIE THULLEN KUNICK
KENNETH R. ARMENT

A PROFESSIONAL CORPORATION
SECURITY PACIFIC BANK BUILDING
280 SOUTH CAPITOL BOULEVARD
POST OFFICE BOX 448
BOISE, IDAHO 83701-0448
TELEPHONE 208-345-8700
FACSIMILE 208-389-9449

KETCHUM OFFICE:
319 WALNUT AVE.
POST OFFICE BOX 297
KETCHUM, ID 83340
208-726-1700
FAX 208-726-9743

February 6, 1992

RECEIVED

FEB 10 1992

Idaho Department of Water Resources
Southern Regional Office
222 Shoshone Street
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

RECEIVED

Re: Application No. 37-8459 / Kathryn McMahan
New Transfer Application

DEC - 1 2003

Department of Water Resources

Gentlemen:

Tim Luke of the state office had advised us that the Department has granted a 90-day extension with regard to processing the above-referenced water right permit application. Brian Ballard of our office has met with Jim Stanton and Robert Worstel with regard to Ms. McMahan's property and appurtenant water rights. As a result of Mr. Ballard's meetings with you, this office filed an Adjudication Claim, Identification No. A37-11383, stating that the property has appurtenant water right based on License 37-02567A with a priority date of March 9, 1955.

The point of diversion for the ground water right was changed by an unrecorded transfer by Ms. McMahan in August, 1982. The well serving License No. 37-02567A was capped in 1979.

The appropriate course of action for our client appears to be the filing of a Transfer Application. We request that the above-referenced Water Right Permit Application be placed on hold pending administration of the Transfer Application.

Accordingly, please consider this letter as a request for a suspension on the processing of the above-referenced Water Right Permit Application until an application for transfer is submitted and administered. A transfer application has been prepared and forwarded to our client for approval and signature. If you have any comments or questions with regard to the same, please let me know. I look forward to working with you.

Very truly yours,

LAWSON, PEEBLES, BALLARD & EDSON



Kenneth R. Arment

KRA:cgj

cc: Kathryn McMahan

37-08459

RECEIVED
JAN 30 1991

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 37-8459

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes X No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

1.5 acres of land have been irrigated since August 31, 1982;
pump and sprinkler system

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

A37-00113N (claim filed)

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Kathryn McMahan
Kathryn McMahan

Date 1-29-91

Note: Accept claim of development of 1.5 acres
Count 3.5 acres under app. as trust acres
Advs. claim A37-00113N POW Does not match POW of this app.