

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

	)	Claim No:	4444
In Re CSRB	)		4445
	)		4446
Case No. 49576	)		4500
	)		
	)	AFFIDAVIT OF MERLE STEPHENSON	
	)	IN SUPPORT OF THE APPLICATIONS	
	)	OF MERLE AND DEBORAH	
	)	STEPHENSON	
	)		

STATE OF IDAHO)
) ss.
County of Benewah)

The undersigned, being duly sworn upon oath, deposes and states as follows:

1. My name is Merle Stephenson. I reside with my wife, Deborah Stephenson, in Benewah County. We are the applicants for the adjudication of the above-entitled claims for water rights with the Idaho Department of Water Resources (IDWR).
2. In support of our applications, we have researched the history of the ownership of our real property and the water rights we are seeking to adjudicate.
3. I inherited our real property from my mother, Lura Humphrey, and her husband, Paul Humphrey, who was my stepfather. Paul and Lura were married on September 24, 1975. At the time of their marriage, Paul Humphrey had acquired an ownership interest in certain parcels of real property and certain water rights that had been put to beneficial uses, all in Benewah County, Idaho, as described below:

Arthur S. Garl to Estella Humphrey, Paul Humphrey & Perry Humphrey on October 23, 1939 for:

S 1/2 of NE 1/2, S 1/2 of NW 1/2, and SW 1/4, Sec. 9, T45N, R3W

John O. Edwards and Dorothy M. Edwards to Paul Humphrey on October 26, 1962 for:

N 1/2 NE 1/4, N 1/2 NW 1/4, Sec. 9, T45N, R3W (containing 7 acres more or less)

J.V. Tow and Agnes Tow to Paul Humphrey on April 28, 1948 for:

NE 1/4 SE 1/4, Sec. 8, T45N, R3W

J.V. Tow and Agnes Tow to Paul Humphrey on April 28, 1948 for:

E 1/2 NE 1/4, and NW 1/4 of the NE 1/4, Sec. 8, T45N, R3W (Also includes: SW 1/4 SE 1/4, Sec. 5, T45N, R3W)

True and correct copies of the deeds are attached hereto and incorporated herein as Exhibits A, B, C, D.

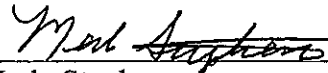
4. Upon information and belief, at the time Paul Humphrey acquired the real property described above, he also acquired certain water rights for the purposes of domestic use, irrigation and stockwater, which are set forth in the four (4) applications for adjudication we have filed. Paul, together with his parents, Estelle and Fred Humphrey, and his brother, Perry Humphrey, used a developed spring at their home residence for domestic use [Claim number 4500]. They used water from Benewah Creek for irrigation and stockwater for cattle [Claim number 4444]. They used water from an unnamed stream for irrigation of pasture land, which uses black poly gravity feed pipes to serve the pasture [Claim number 4445]. They used water from a spring which runs into a small creek and then into Benewah Creek for irrigation [Claim number 4446] which we have referred to as the "Woodbury Spring." Although the spring was developed and used for many years prior to 1984, Paul had a pipe and new concrete tank installed by Harry and Dick Woodbury in the early 1980s.

5. I have in my possession a file belonging to Paul Humphrey entitled "Water Rights" and I have examined the documents in this file. In January 1979, Paul Humphrey received from the IDWR a pamphlet and written notice to record his water rights with the State of Idaho not later than 1983. Attached to this Affidavit is a true and correct copy of the pamphlet, incorporated herein by reference as Exhibit E. I have the original in my possession.

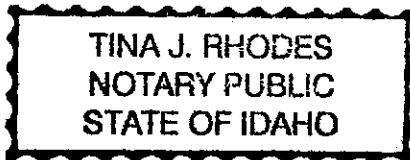
6. In response to this notification, Paul Humphrey filed four (4) claims with the IDWR and followed the procedures required by the IDWR to record his statutory claims. These claims were recorded with IDWR in 1980 and 1981. Paul Humphrey received four (4) letters signed by Robert Haynes stating that his water rights were recorded. I have in my possession these original documents and they also are part of the IDWR records which are available online. Paul Humphrey recorded water rights for developed surface water with priority dates of 1955 [Claim number 4444], 1948 [Claim number 4445], 1910 [Claim number 4446] and 1939 [Claim number 4500].

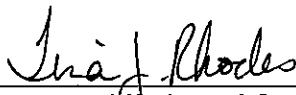
7. As shown in the exhibits attached hereto, all of Paul Humphrey's real properties were acquired prior to 1963. All of the developed surface water rights claimed and recorded by Paul Humphrey with IDWR in 1980 and 1981 were developed and in use prior to 1963. I have personal knowledge that each developed surface water right recorded by Paul Humphrey in 1980 and 1981 were in actual use for the purposes stated in approximately 1975, when Paul and my mother were married.

DATED this 28th day of April, 2009.


Merle Stephenson

SUBSCRIBED and SWORN to before me this 28th day of April, 2009.




Notary Public in and for Idaho
Residing at: St. Maries, Idaho
Commission expires: 11/8/2010

THIS INDENTURE, Made the 23rd day of October in the year of our Lord one thousand nine hundred and thirty-nine, between Arthur S. Carl, widower

of Benewah County, State of Idaho, part V of the first part, and Estella Humphrey, a married woman, two sons, Paul Humphrey and Perry Humphrey, share and share alike of Benewah County, State of Idaho, part ies of the second part.

WITNESSETH, That said part y of the first part, for and in consideration of the sum of

Ten and no/100- - - - - Dollars

in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, and the said part ies of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated and confirmed and by these presents do grant, bargain, sell, release, alienate and confirm unto the said part ies of the second part, and to their heirs and assigns forever all the following described lot, piece, or parcel of land situated in the County of Benewah and State of Idaho, and known and described as follows, to-wit:

South $\frac{1}{2}$ of Northeast $\frac{1}{4}$ ($S\frac{1}{2}$ of NE $\frac{1}{4}$), South $\frac{1}{2}$ of Northwest $\frac{1}{4}$ ($S\frac{1}{2}$ of NW $\frac{1}{4}$), and the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of Section 9, Township 45 North of Range 3 West of Boise Meridian, Benewah County, State of Idaho.

(Five \$.50 revenue stamps attached and cancelled 10/28/39.)

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof and all the estate, right, title, interest, claim or demand whatsoever of the said part y of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances, to have and to hold the said premises above bargained and described, with the appurtenances unto the said part ies of the second part, their heirs and assigns forever.

And that the said part y of the first part, for himself & his heirs, executors and administrators do covenant, grant, bargain, and agree to and with the said part ies of the second part their heirs and assigns, that at the time of en sealing delivery of these presents he is well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance in law and fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid; and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments and incumbrances of what kind or nature soever: this warranty deed is subject to the first mortgage on record in Book K of Mortgages on page 181, filed Sept. 15th, 1919 at 11.40 A.M. to the Federal Land Bank of Spokane, said mortgage on file with the County Auditor.

and the above bargained premises in the quiet and peaceable possession of said part ies of second part their heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part y of the first part shall and will warrant and defend.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of:

Arthur S. Carl [SEAL]
[SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO, } ss.
County of Benewah, }

I, R. B. Sargent, a Notary public, in and for said County, in the State aforesaid, do hereby certify that Arthur S. Carl, a widower

~~this~~ personally known to me as the real person whose name is subscribed to the foregoing Deed, appeared before me in person, and acknowledged that he executed and delivered the said Deed as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23rd day of October in the year of our Lord, one thousand nine hundred and thirty-nine

R. B. Sargent

(NOTARIAL SEAL)

STATE OF IDAHO, } ss.
County of Benewah, }

Filed for record at the request of Paul Humphrey on the 28 day of Oct., 1939, at 10:40 o'clock A.M., and recorded in book 2 of Deeds on page 252

R. H. Whiteside
County Recorder.

Fees, \$ 1.50

By Lillian Bafus
Deputy.

EXHIBIT A

252

Warranty Deed (IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That JOHN O. EDWARDS

and DOROTHY M. EDWARDS, his wife,

of the County of BENEWAH, State of IDAHO

parties of the first part, for and in consideration of the sum of

- TWENTY ONE THOUSAND & NO/100- Dollars (\$ 21,000.00),

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by PAUL F. HUMPHREY, a single man

hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of Benewah State of Idaho, to wit:

N $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$ of SECTION 9, Township 45 North, Range 3 West of the Boise Meridian, save and except the following described portion, to-wit: BEGINNING at a point on the West line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 45 North, Range 3 West of the Boise Meridian, which is on the East line of the County Road right-of-way at the point of intersection which is 741 feet South of the NW corner of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 9, thence East at right angles to said described West line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the West side of the present roadway, thence Northwesterly along the West side of said roadway to the right of way of the County Road, thence Southwesterly along the East side of the County Road right-of-way to the place of beginning, containing 7 acres, more or less.

The land lying between the South boundary line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the County Road located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of SECTION 4, Township 45 North, Range 3 West of the Boise Meridian, containing 5 acres more or less.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the 40' and 15' wide roadways as set forth in the instruments recorded in Book H of Deeds at Page 536, and in Book I of Deeds at Page 185, records of Benewah County, Idaho.

Subject to the transmission line easement in favor of the Washington Water Power Company, recorded in Book F-2 of Deeds at Page 52, records of Benewah County, Idaho.



Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, ~~as tenants in common~~ and to the heirs and assigns of the second party forever.

The parties of the first part, for **themselves** and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that **they are** lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that **they** will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and

seal(s) this 26th day of October, 19 62.

WITNESSES:

John O. Edwards [SEAL]
(Husband)

Dorothy M. Edwards [SEAL]
(Wife)

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF BENEWAH

On this 26 day of October, 1962, before me, a Notary Public in

and for said County and State, personally appeared **JOHN O. EDWARDS**

and **DOROTHY M. EDWARDS**

his wife, to me known to be the identical indi-

vidual(s) described in and who executed the within and foregoing instrument and whose name(s) are

subscribed thereto, and acknowledged to me that **they** signed, sealed and executed the same as **their** free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Ray A. Bowen
Notary Public in and for the State of

Residing at

My commission expires: My commission expires Feb. 24, 1966

[SEAL]

Recorded in _____

County, Idaho, on _____

_____, in Book _____

at Page _____

FILED IN IDAHO
County of Benewah

Filed for record at the request of

Ray A. Bowen Agency
on the 26 day of Oct, 1962 at 2:31

clock P.M. and recorded in Book 4-2

Deed on page 488

Alice Thompson
County Recorder

Deputy

Deed

File to

THIS INDENTURE, Made the 28th day of April in the year of our Lord one thousand nine hundred and forty-eight, between J.V. Tow and Agnes Tow, his wife, of Benewah County, State of Idaho, parties of the first part, and Paul G. Humphrey, a single man of Benewah County, State of Idaho, party of the second part.

WITNESSETH, That said parties of the first part, for and in consideration of the sum of One and No/100 - - - - - Dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated and confirmed and by these presents do grant, bargain, sell, release, alienate and confirm unto the said party of the second part, and to his heirs and assigns forever all the following described lot, pieces, or parcel of land situated in the County of Benewah and State of Idaho, and known and described as follows, to-wit:

The Northeast quarter of the Southeast quarter (NE 1/4 SE 1/4) of Section eight (8), Township forty-five (45) North, Range three, W.B.M., subject to any privileges of the county for right of way purposes.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof and all the estate, right, title, interest, claim or demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances, to have and to hold the said premises above bargained and described, with the appurtenances unto the said party of the second part, his heirs and assigns forever.

And that the said parties of the first part, for themselves, their heirs, executors and administrators do covenant, grant, bargain, and agree to and with the said party of the second part his heirs and assigns, that at the time of ensembling delivery of these presents they are well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance in law and fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid; and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments and incumbrances of what kind or nature soever: no exceptions

and the above bargained premises in the quiet and peaceable possession of said party of second part his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will warrant and defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal, the day and year first above written.

Signed, Sealed and Delivered in Presence of:
 Wm. D. Keeton } J.V. Tow (SEAL)
 Agnes Tow (SEAL)
 (\$55 I.R. Stamps attached and canceled 1/4/49) } (SEAL)

STATE OF IDAHO, }
 County of Benewah, } ss.
 I, Wm. D. Keeton, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that J.V. Tow and Agnes Tow,

his wife, personally known to me as the real persons whose names are subscribed to the foregoing Deed, appeared before me in person, and acknowledged that they executed and delivered the said Deed as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 28 day of April in the year of our Lord, one thousand nine hundred and forty-eight.
 (Notarial Seal) Wm. D. Keeton
 Notary Public

STATE OF IDAHO, }
 County of Benewah, } ss.
 Filed for record at the request of First Bank of St. Maries on the 4th day of January, 1949, at 4:29 o'clock P.M., and recorded in book H-2 of Deeds on page 284.
 R.H. Whiteside
 COUNTY RECORDER.
 Fees, \$ 1.50 By Olive H. Moore
 DEPUTY.

EXHIBIT C

THIS INDENTURE, Made the 28th day of April in the year of our Lord one thousand nine hundred and forty-eight, between
J.V. Tow and Agnes Tow, his wife,
of Benewah County, State of Idaho, parties of the first part, and
Paul G. Humphrey, a single man,
of Benewah County, State of Idaho, part y of the second part.

WITNESSETH, That said parties of the first part, for and in consideration of the sum of
One and no/100 - - - - - Dollars
in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, and the said part of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated and confirmed and by these presents do grant, bargain, sell, release, alienate and confirm unto the said part y of the second part, and to his heirs and assigns forever all the following described lots, piece, or parcel of land situated in the County of Benewah and State of Idaho, and known and described as follows, to-wit:

East half of the Northeast quarter, and the Northwest quarter of the Northeast quarter,
Section eight, and the Southwest quarter of the Southeast quarter, Section five, all in
Township forty-five, North Range three, West Boise Meridian.

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof and all the estate, right, title, interest, claim or demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances, to have and to hold the said premises above bargained and described, with the appurtenances unto the said part y of the second part, his heirs and assigns forever.

And that the said parties of the first part, for themselves, their heirs, executors and administrators do covenant, grant, bargain, and agree to and with the said part y of the second part his heirs and assigns, that at the time of ensembling delivery of these presents they are well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance in law and fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid; and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments and incumbrances of what kind or nature soever: no exceptions

and the above bargained premises in the quiet and peaceable possession of said part y of second part his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will warrant and defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of:

<u>Wm. D. Keeton</u>	}	<u>J.V. Tow</u>	(SEAL)
		<u>Agnes Tow</u>	(SEAL)
			(SEAL)
			(SEAL)

(\$3.85 I.R. Stamps attached and canceled 1/4/49)

STATE OF IDAHO, }
County of Benewah, } ss.

I, Wm. D. Keeton, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that J.V. Tow and Agnes Tow

his wife, personally known to me as the real persons whose names subscribed to the foregoing Deed, appeared before me in person, and acknowledged that they executed and delivered the said Deed as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 28th day of April in the year of our Lord, one thousand nine hundred and forty-eight.

(Notarial Seal)

Wm. D. Keeton

Notary Public

STATE OF IDAHO, }
County of Benewah, } ss.

Filed for record at the request of First Bank of St. Maries on the 4th day of January, 1949, at 4:28 o'clock P. M., and recorded in book H-2 of Deeds on page 283.

R.H. Whiteside

COUNTY RECORDER.

Fees, \$ 1.50

By Olive H. Moore

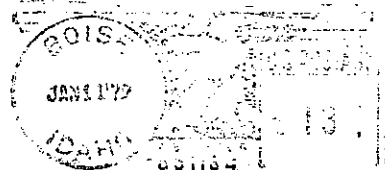
DEPUTY.

EXHIBIT D

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
92 SOUTH COLE ROAD
BOISE, IDAHO 83702

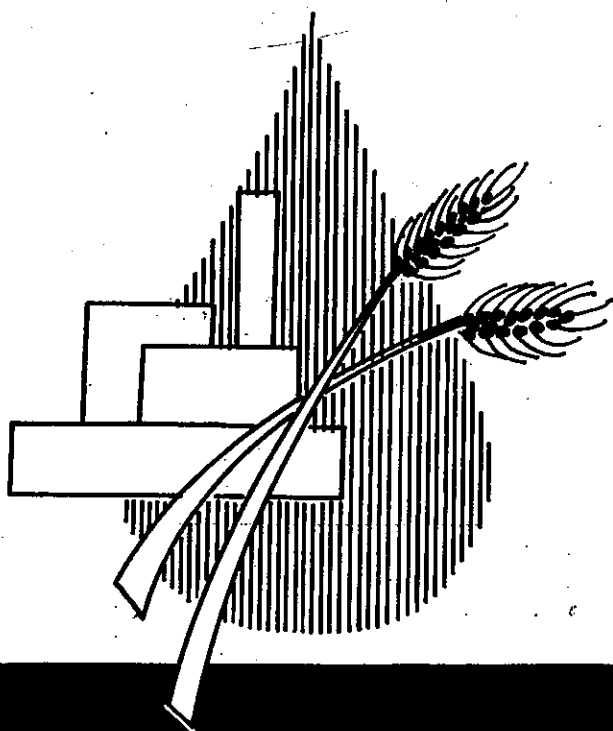
PRESORTED

FIRST-CLASS



Paul Humphrey
Route #1, Box 88
St. Maries, ID 83861

Paul Humphrey
Route #1, Box 88
St. Maries, ID 83861



Idaho Water Rights Claims Program

EXHIBIT E

In 1978, the Idaho legislature passed a law (Idaho Code 42-243) which requires that all water rights in Idaho be recorded by 1983. To accomplish this, the law (1) requires the Idaho Department of Water Resources to notify water users of their need to record their water rights and (2) requires water users to comply with the law by recording their water rights with the Idaho Department of Water Resources by 1983.

What is a water right?

In its simplest form, a water right is the private use of Idaho's public water.

Prior to 1963, a person could receive title to a portion of public water without written documentation. The person merely had to divert a specific amount of water from its source and apply the water to a beneficial use. There are many beneficial uses recognized by Idaho law -- irrigation, domestic, stockwater, industrial and power production, to name a few. It is this type of unrecorded water right which the 1978 Idaho legislature declared must be recorded by 1983.

Since 1963, a law has been in effect that requires a permit from the Idaho Department of Water Resources

before groundwater (water from a well) can be developed as a water right except when used only for the domestic needs of one household and small stockwater wells. Since 1971, a comparable mandatory permit system has been in effect for all uses of surface water (water from a river, stream, creek, lake or spring), including domestic and stockwater use.

One of the most important parts of a water right is its priority date. This is the date that the water was first applied to a beneficial use. Idaho law states, "the first in time is first in right." Therefore, an individual who first uses water has a right that is superior to the right of someone who later uses water from the same source.

What if the priority date of my water right is after 1963 or 1971?

The only water rights that can be legally recognized and recorded as a claim to a water right in this five-year project are groundwater rights developed before March 25, 1963, and surface water rights developed before May 20, 1971. Water users who developed water rights after these dates must file an application for a permit with the Idaho Department of Water Resources, if they have not already done so.

The major difference between a claim to a water right and an application for a permit is in how the priority date is established. The priority date that is recorded as part of the claim is a historical date that shows the first date of actual use of the water. An application for a permit, on the other hand, receives its priority date on the day it is filed with the Idaho Department of Water Resources.

Why record all the water rights in Idaho?

It is estimated that there are about 100,000 unrecorded water rights in Idaho that have been established by individuals who applied water to a beneficial use prior to the 1963 and 1971 dates. Such rights are called use or constitutional rights. Although use rights are recognized by law, they pose problems both for the water user and the state.

A major problem for a water user with a use right is that he often has little evidence that he has a water right until his right is decreed or adjudicated in a court of law, often a lengthy and costly procedure. When a water user goes to court in a dispute over water, a judge will require him to produce evidence of his water right. The judge then issues a decree which determines how the water will be distributed among the water users involved in the dispute.

Use rights are a problem for the state because they represent a portion of water about which little is

known. For the Idaho Department of Water Resources to effectively administer the future use of Idaho's water resources, more must be known about exactly how much water is being used and for what purposes.

There are several good reasons for having all the water rights in the state on record.

- A water user can present his claim, which is kept on permanent file at the Idaho Department of Water Resources, in support of his water right if he should ever need to submit such evidence to a court.
- The state will have a better indication of whether or not there is water available for use by those who may want to develop a water right in the future.
- The information about water use will be available to all who need it to make long-range decisions about a valuable and increasingly scarce natural resource -- water.

Who must claim a water right?

To comply with the law requiring the recording of water rights, an individual must record his water right if he takes water from a well or a surface water source and uses it to:

- Irrigate more than one-half acre of land.
- Provide water for fish farming, a greenhouse, mining or other beneficial use.
- Water more than 1,000 head of livestock.

- Supply water to more than one household or to a subdivision, mobile home park or commercial establishment.

Even though water may be used in one of these ways, many water users are, for various reasons, exempt from the need to participate in this program to record all water rights by 1983.

You DO NOT need to record your water right if:

1. Your water right is already on file with the Idaho Department of Water Resources in the form of a valid permit, license or claim, or if you have had your right decreed in a court of law.
2. You receive all your water from a municipal water system, a canal company or an irrigation district. (The organization must record the water right on behalf of all the water users in the system.)
3. You have not had a water use for the past five years or have never put water to a beneficial use. Valid claims may be made for existing uses only, not anticipated, abandoned or forfeited uses.
4. You use water for household (including irrigation of less than one-half acre) and/or livestock purposes (less than 1,000 head), with total use not exceeding 13,000 gallons per day. (The exception to this is if your first use of surface water for domestic purposes began after May 20, 1971, you must file an application for a permit.)

Water users often think that because their land and water ownership are recorded at the county courthouse, they have a recorded water right as required by the law requiring the recording of all water rights. This is not the case. A water right can be placed on record only by a court or by the Idaho Department of Water Resources.

If you have an unrecorded water right, use the diagram on the next page to help you decide exactly what action you must take to record your water right.

What if I fail to file a claim by the 1983 deadline?

The law provides (Idaho Code 42-245) that a water user who should file a claim but does not do so by June 30, 1983, may lose his historical water right.

The permit procedure at the Idaho Department of

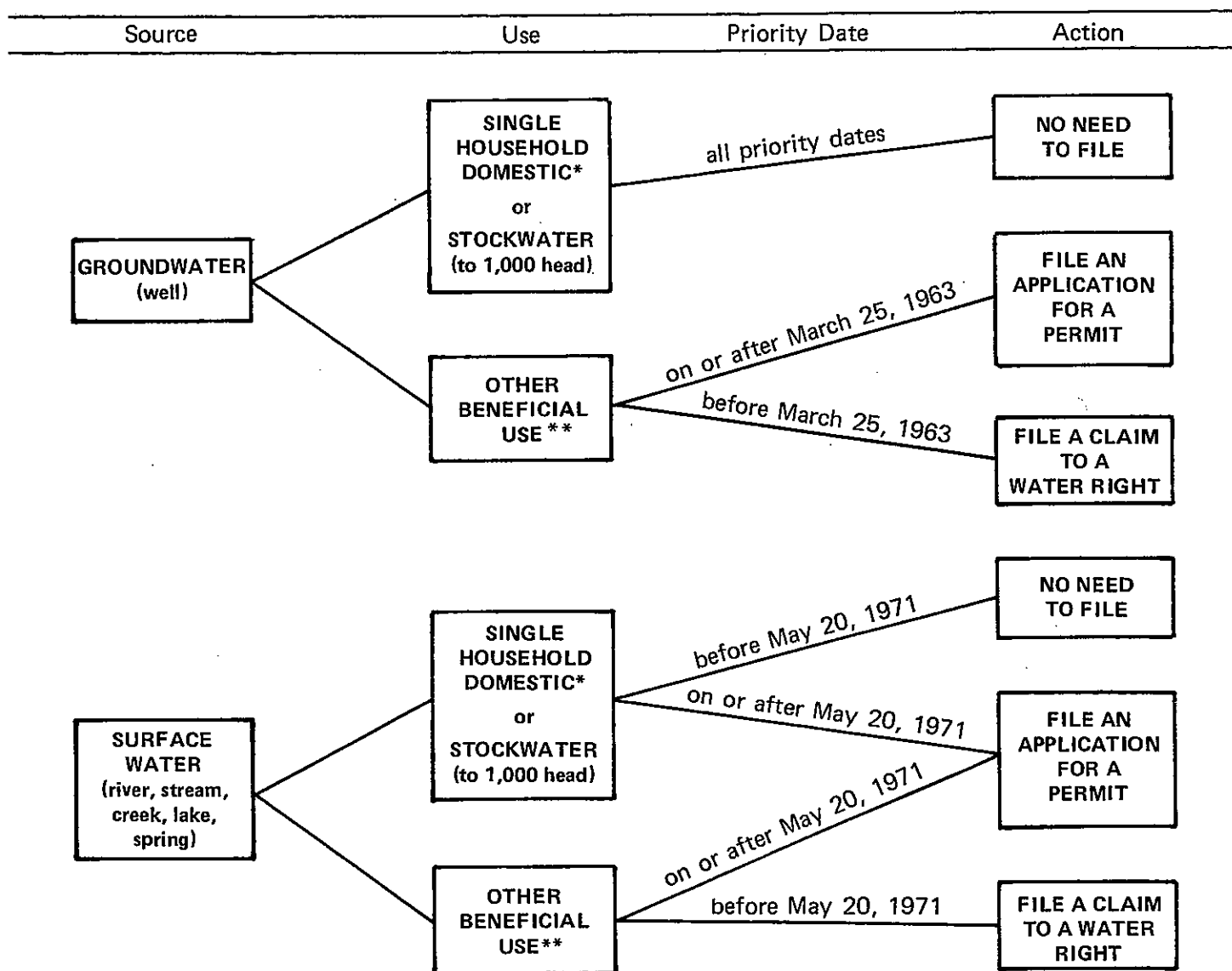
Water Resources will still be available to a water user who fails to file a claim. However, if a permit is issued, the priority date for the water use will be the date the application is filed, not the historical date that could have been recorded in the claim procedure.

What about future water rights?

The 1983 deadline does not prevent the development of a new right in the future. This five-year

project to record all water rights by 1983 is only to make a record of existing, unrecorded water rights.

After checking the four exceptions on the previous page, follow your water use through this chart to determine any further action you may need to take.



* Single household domestic (defined in Section 42-230(d), Idaho Code) includes irrigation up to one-half acre and watering of household stock.

** Beneficial use includes irrigation of more than one-half acre, watering more than 1,000 head of stock, power generation, commercial, industrial and multiple family domestic uses.

More information, assistance, claim and permit forms, and instructions for filing, including fee schedules, are available at these offices.

Eastern Region 523-7186
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Western Region 384-2190
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Northern Region 667-6484
Idaho Department of Water Resources
Route 5, Box 203
4055 Government Way
Coeur d'Alene, Idaho 83814

Southern Region 734-3578
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301