

08/27/2004

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

RIGHT NUMBER: 79-7030

NAME AND ADDRESS: ZONA MOORE
PO BOX 171
WHITE BIRD ID 83554

RANCE MOORE
PO BOX 171
WHITE BIRD ID 83554

SOURCE: WHITE BIRD CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.025 CFS
3.000 AFY

PRIORITY DATE: 10/09/1973

POINT OF DIVERSION:
T28N R01E S14 NESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 10/31	0.025 CFS 3.00 AFY

PLACE OF USE: DOMESTIC Within IDAHO County
T28N R01E S14 NESW

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.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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: **A79-07030**
Date Received: 5/25/1988
Receipt No: C000926 *45-00*
Received By: _____

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

1. Name: RANCE MOORE 208-839-2454
Address: PO BOX 171
WHITEBIRD ID 83554
AND
Name: ZONA MOORE 208-839-2454
Address: PO BOX 171
WHITEBIRD ID 83554

2. Date of Priority: OCT 9, 1973

3. Source: WHITEBIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	14	NE	SW			IDAHO

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	04/01	10/31	0.025		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	14	NE	SW		DOMEST	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/U LOTS 8, 9, 10 & 11 EVERESTS ADDITION.
OWNERSHIP CHANGED BY LH 6/14/94.

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: _____

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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 _____

m 42-1409(7)

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 13 1994

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 5-9-94

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot 8, 9, 10, 11, Block 1, Subdivision/Townsite EVEREST Addition
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A79-07030

[] Name and Address of Former Owner/Claimant(s) (Seller): ED & ORBA O'FARRELL
PO Box 171

[] New Owner/Claimant (Purchaser): Whitebird, IDA 83554
RANCE & ZONA MOORE

[] New Mailing Address: PO Box 171
Whitebird, IDA 83554

[] New Telephone Number: (208) 839-2454

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): Rance Moore Date 5-26-94
Zona Sale Moore Date 5-26-94

[] Signature of Former Owner/Claimant(s): Both Deceased Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date 6-14-94 By JD

Further Action Needed

Further Action Taken

Date _____ By _____

Final Review and Data-Entry

Date 6-14-94 By JD

Claim Numbers of Split, if any

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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

COPY

BY PERSONAL REPRESENTATIVE

THIS DEED, made by NEIL FALES, as personal representative of the estate of ORBA MAY O'FARRELL, deceased, grantor, to RANCE K. MOORE and ZONA MOORE, grantees.

WHEREAS, grantor is the qualified personal representative of said estate, filed as case number SP0794 in Idaho County, Idaho; and

WHEREAS, grantees are entitled to receive by conveyance the hereinafter described real property;

THEREFORE, for valuable consideration received, grantor conveys, grants, bargains, sells, confirms and releases to grantees, their heirs, successors and assigns forever, the following described real property in Idaho County, Idaho, to-wit:

Lots 8, 9, 10, and 11, of Block 1, Everest Addition to the City of Whitebird, Idaho, as shown by the recorded plat thereof.

TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs, successors and assigns forever.

And, party of the first part and its heirs, successors and assigns, hereby covenant to and with said parties of the second part and their heirs, successors and assigns the party of the first part is lawfully seized in fee simple of the above granted premises free from all encumbrances and that the party of the first part

1 will warrant and defend the above premises against all and every
2 person and persons whomsoever lawfully claiming or to claim the
3 same.

4 IN WITNESS WHEREOF, the party of the first part has hereunto
5 set its hand and seal in the day and year hereinabove first
6 written.

7
8 NEIL FALES

9 STATE OF IDAHO)
10 County of IDAHO) ss.

11 On this ____ day of February, 1994, before me, the undersigned
12 a Notary Public in and for the State of Idaho, personally appeared
13 NEIL FALES known to me to be the personal representative of the
14 Estate of Orba May O'Farrell and person whose name is subscribed to
the within and foregoing instrument, and acknowledged to me that he
executed the same for and on behalf of said estate.

15 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
16 official seal in the day and year in this certificate first above
written.

17 Notary Public in and for the
18 State of Idaho; Residing at
Grangeville, therein. My
commission expires: _____

19 MAIL DEED TO:
20 RANCE K. & ZONA MOORE
P. O. Box 171
21 Whitebird, ID 83554

22 MAIL TAX NOTICES TO:
23 RANCE K. & ZONA MOORE
24 P. O. Box 171
25 Whitebird, ID 83554

26
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28 AUG 08 1994

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: A79-07030
Date Received: 5/26/1988
Receipt No: C000926

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWIN G. O FARRELL 208-839-2454
Address: PO BOX 171
WHITEBIRD, ID 83554

OR

Name: O. MAY O FARRELL 208-839-2454
Address: PO BOX 171
WHITEBIRD, ID 83554

2. Date of Priority: OCT 09, 1973

3. Source: WHITEBIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	14	NE	SW			IDAHO

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	04/01	10/31	0.025		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
28N	01E	14	NE SW		DOMEST	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/U LOTS 8, 9, 10 & 11 EVERESTS ADDITION.

15. Basis of Claim: LICENSE
Water Right Number:

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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
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 _____

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 A79-07030
Date Received 5-19-88
Receipt Number 48752
C000926

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

- Name of Claimant (s) Edwin G. or O. May O'Farrell Phone (208) 839-2454
Mailing Address P.O. Box 171 White Bird ID Zip 83554
- Date of Priority (Only one (1) per claim) Oct. 9, 1973
- Source of water supply (a) White Bird Creek
which is tributary to (b) Salmon River
- Location of point of diversion is: Township 28 N Range 1 E
Section 14, 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____, B.M.,
County of Idaho
Additional points of diversion if any: _____
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Centrifugal pump with
suction hose in creek.
- Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
(Both dates are inclusive)
For Domestic purposes from 4-1 to 10-31 amount 0.025 (cfs)
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.025 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) 1 Domestic lawn and garden

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OCT 06 1992

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
28N	1E	14									D							

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

12. Do you own the property listed above as place of use? Yes ☒ 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: _____

15. Basis of Claim (check one) Beneficial Use ☐ Posted Notice ☐ License ☒ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number 79-7030
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 ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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

Signature of Claimant (s) X May O'Farrell Date 5-19-88
_____ 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 Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19th day of May 19 88

SEAL

Notary Public Carter Fritschle

Residing at Engle, Id.

My Commission Expires 3-21-94

Last Name O'Farrell Ident No. A79-07030

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 79-7030 Priority Oct. 9, 1973 Amount 0.025 cfs

THIS IS TO CERTIFY, that EDWIN G. O'FARRELL
of White Bird, Idaho, has complied with the terms and conditions of Permit
No. 79-7030 issued pursuant to Application for Permit dated October 9, 1973,
and has submitted proof to the Department of Water Resources on July 8, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.03 cfs of water from White Bird Creek,
tributary to the Salmon River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 31</u>	<u>0.025</u> cfs and	<u>3.0</u> acre feet
	from _____ to _____	cfs and	
	from _____ to _____	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.025 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14,
Twp. 28 N, Rge. 1 E, B.M. in the County of Idaho

Description and location of place of use: (Lots 8, 9, 10 & 11, Everests Addition)

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
28 N	1 E	14									3/4								3/4

Total number of acres irrigated 3/4

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
November, 19 74.

Director

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 14, 1994

Re: Notice of Claim to a Water Right No. A79-07030

Rance Moore
Zona Moore
P.O. Box 171
Whitebird, ID 83554

Mr. & Mrs. Moore:

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

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1

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