



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

August 24, 2009

GLORIA G ZACHRY  
WILLIAM H ZACHRY  
125 BRADFORD ST  
MOUNTAIN HOME ID USA 83647

RE: Snake River Basin Adjudication (SRBA)  
Motion to File Late Notice of Claim 61-2142

Dear Mr. and Ms. Zachry,

The Idaho Department of Water Resources (IDWR) recently received a copy of the Motion to File Late Notice of Claim 61-2142. My initial review found that you claimed a priority date of 1-1-1990 yet the license this claim appears to be based on, has a priority date of 7-14-1961. If your intention is to claim the elements of license 61-2142, it would be to your benefit to amend your claim to reflect the licensed priority date of 7-14-1961.

For your convenience, I am enclosing an amended claim. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim and submit it to all parties on the certificate of mailing (enclosed).

Sincerely,

Craig L Saxton  
Water Right Supervisor  
Adjudication Bureau

Enclosure: Amended Notice of Claim for 61-2142  
Copy of license 61-22142  
Certificate of Mailing

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 61-2142  
Date Received: 7/20/2009  
Receipt No:  
Received By:

Amended

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

GLORIA G ZACHRY Phone: (208)587-4426

125 BRADFORD ST  
MOUNTAIN HOME ID USA 83647

WILLIAM H ZACHRY Phone: (208)587-4426

125 BRADFORD ST  
MOUNTAIN HOME ID USA 83647

2. Date of Priority: 07/14/1961  
01/01/1990

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03S      | 06E   | 26      | SE SW                 | ELMORE |      |

5. Description of diverting works:

550-foot well. Increased from 410 feet in 1989.

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) A.F.A |
|----------|-------|-------|--------|------------|
| DOMESTIC | 01/01 | 12/31 | 0.14   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:  
Number of homes: 1

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use      | Acres |
|----------|-------|---------|------------|-----|----------|-------|
| 03S      | 06E   | 26      | SE         | SW  | DOMESTIC |       |

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Non-irrigation uses: 26 households/spaces.

Parcel No: Lot 5, Block 1, Cottonwood Subdivision.

Attachments: Withdrawal of Application for Permit and Cottonwood Subdivision Plat Map.

License shows Place of Use as ~~Airway-Trailer Court~~. *COTTONWOOD R.V. PARK*

15. Basis of Claim: ~~Beneficial Use License~~ *up*

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 by penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *William H. Zachary* Date: *9/1/09*  
*Gloria L. Zachary* Date: *9-1-09*

## State of Idaho

## License and Certificate of Water Right

Water License No. G-29948 Priority July 14, 1961 Amount 0.14 c.f.s.

THIS IS TO CERTIFY that EMIL STEGEMANN (AIRWAY TRAILER COURT) -Assignee A. M. Kreutzer of Mountain Home, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 14, 1961; that Permit No. G-29948 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.14 second feet, was issued thereunder on March 22, 1967, showing that said works were completed on the 18th day of July, 1966; and that on the 18th day of July, 1966, A. M. KREUTZER (AIRWAY TRAILER COURT)

of Mountain Home, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well,

a tributary of subterranean flow for the purpose of domestic and commercial use, under Use Permit No. G-29948 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses, at Page 8719, on the 22nd day of March, 1967.

The right hereby confirmed dates from July 14, 1961.

The Point of Diversion is located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 26, Twp. 3S., R. 6 E., B.M., Elmore County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.14 cubic feet per second.

Description and location of use:

| Twp  | Range | Section | Part-Acre Tract                   | No Acres Described in Permit | No Acres Actually Irrigated |
|------|-------|---------|-----------------------------------|------------------------------|-----------------------------|
| 3 S. | 6 E.  | 26      | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | None                         | None                        |
|      |       |         | For domestic and commercial use   |                              |                             |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 22nd day of March, 1967.

*R. Keith Higgins*  
State Reclamation Engineer.

## CERTIFICATE OF MAILING

I certify that on July 21 2009, 199  , I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed 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:

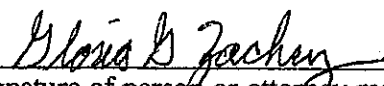
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

  
Signature of person or attorney mailing the form