

12/10/2006

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

RECEIVED

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-5078

NAME AND ADDRESS: KELLY SAUREY
1687 CANYON RD S
MELBA ID 83641

SOURCE: WASTE WATER

TRIBUTARY: WALTERS BUTTE LATERAL

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/01/1950

POINT OF
DIVERSION: T01S R02W S11 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/1 11/15	0.120 CFS

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S11 NESE 6.00

6 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Boise-Kuna Irrigation District.

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: A63-05078
Date Received: 1/ 9/1990
Receipt No: W007477
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DONALD C AYERS 208-454-1729
Address: 15516 S MONTANA AVE
CALDWELL ID 83607
OR
Name: CAROLEE AYERS 208-454-1729
Address: 15516 S MONTANA AVE
CALDWELL ID 83607
2. Date of Priority: APR 1, 1940
3. Source: WASTE WATER Trib. to: WALTERS BUTTE LATERAL
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S | 02W | 11 | NE | SE | | | CANYON |
5. Description of diverting works:
HEADGATE & DITCH, GRAVITY FLOWS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.120 | | |
7. Total Quantity Appropriated is:
0.120 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
01S	02W	11	NE	SE		IRR	6.0
Section Acres							6.0
Total Acres							6.0

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:
BOISE-KUNA IRRIG.

14. Remarks:

4 CONC. HEADGATES IN DITCH AND CANVAS TYPE DAMS IN P/D NESE.
ADDRESS CHANGED PER CLAIMANT NOTIFICATION. DB 5/15/2000.

15. Basis of Claim: STATUTORY CLAIM

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 15 2000

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

63 27219

Al03-05078

[] Claimant Name(s):

DONALD C. AYERS

CAROLEE AYERS

[] Old Mailing Address:

15516 S. MONTANA AVE.

CALDWELL ID. 83605

[] New Mailing Address:

15516 S. MONTANA AVE.

CALDWELL, ID. 83607

Telephone Number:

(208) 454-1729

[] Signature of Claimant(s):

Donald C. Ayers Carolee Ayers

Date:

5-13-2000

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: A63-05078
Date Received: 1/09/1990
Receipt No: W007477
Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD C. AYERS
Address: 328 HOLLAND DR.
Nampa, ID 83651 208-466-0134
OR
Name: CAROLEE AYERS
Address: 328 HOLLAND DR.
Nampa, ID 83651 208-466-0134
2. Date of Priority: APR 01, 1940
3. Source: WASTE WATER Trib. to: WALTERS BUTTE LATERAL
4. Point of Diversion:
Township 01S Range 02W Section 11 1/4 of 1/4 of 1/4 Lot County
NE SE CANYON
5. Description of diverting works:
HEADGATE & DITCH, GRAVITY FLOWS
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/01 11/01 0.120
7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A63-05078

Page 1

Date: 01/09/90

MICROFILMED
AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	11	NE	SE		IRR	6.0
Section Acres							6.0
Total Acres							6.0

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:
BOISE-KUNA IRRIG.

14. Remarks:
4 CONC. HEADGATES IN DITCH AND CANVAS TYPE DAMS IN P/D NESE.

15. Basis of Claim: STATUTORY CLAIM

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): Donald C. Myers Date: 1-9-90

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of JAN 19 90

Ron Howerton
Notary Public

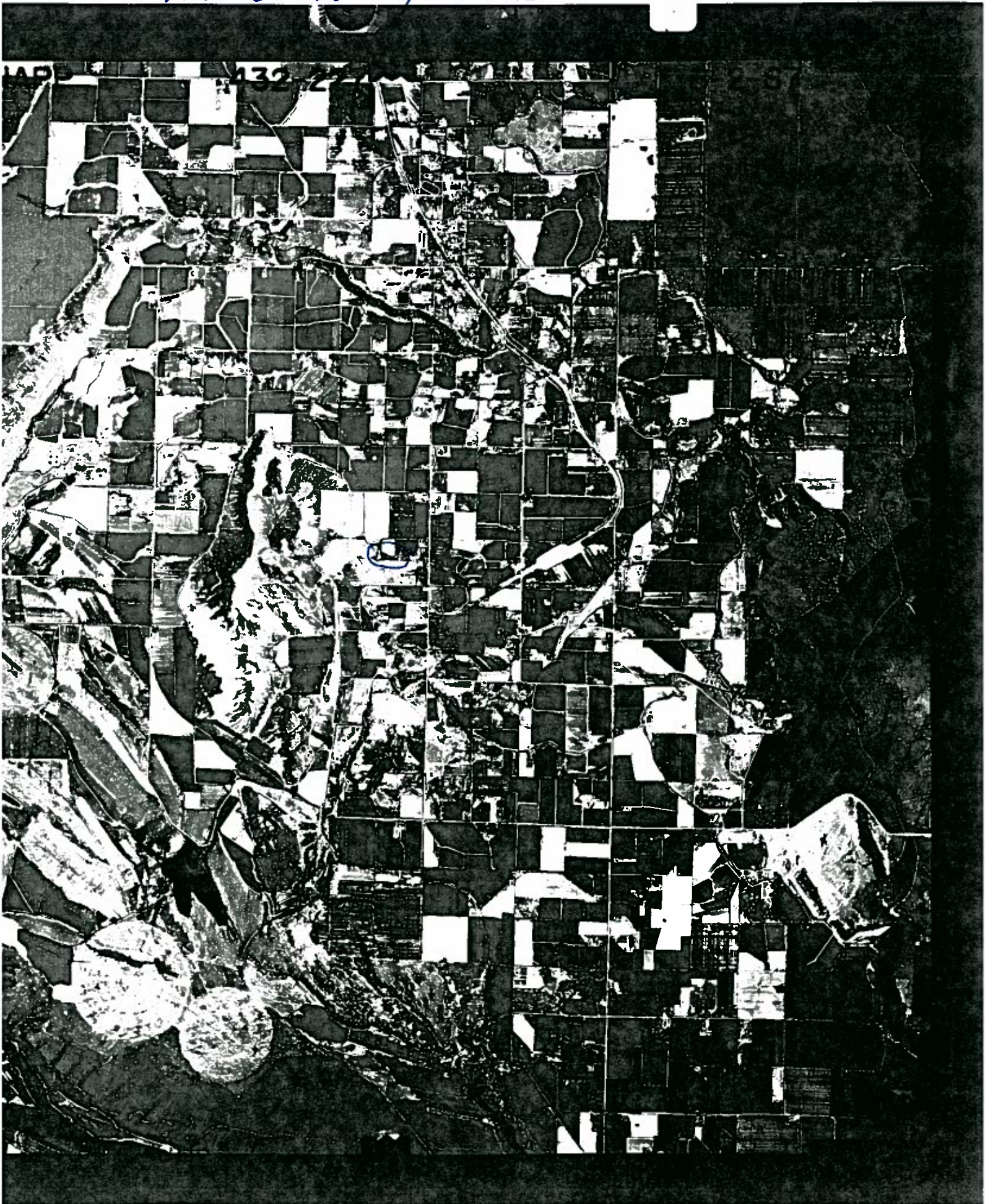
Seal

Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994



A63-05048 Y56 NE



WALTERS BUTTE
IDA
7.5 MINUTE SERIES

536

536

32' 30"

538

NAMPA 15 MI

539

R 2 W

Claim
PERMIT A63-05078 INIT MTS
T. R. S. Q/Q
P/D 1S 2W 11 NESE
SCALE _____
PHOTO ID. Y56.

Walters Butte

2938

White
Butte

22

Idaho Department of Water Resources

Claim Number:63-05078

Legal:T01S, R02W, S11

Reviewed By:



Point of Diversion



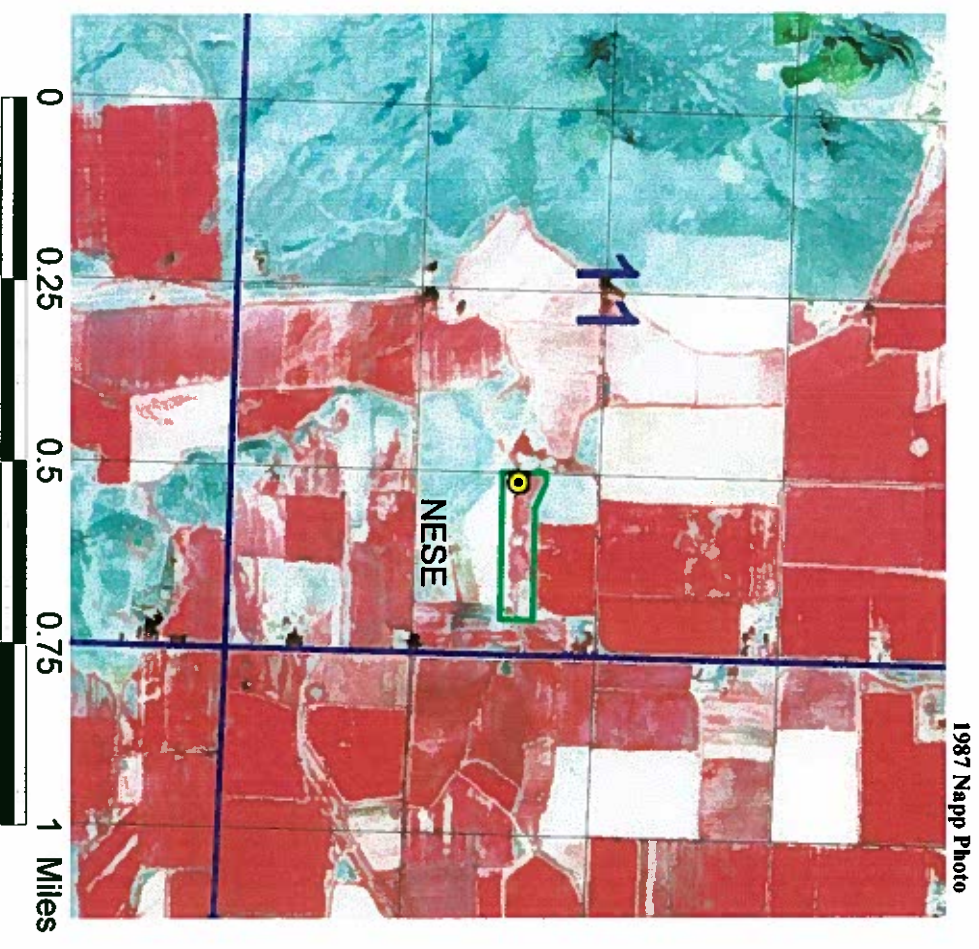
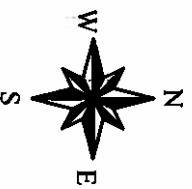
Place of Use



Section Lines



Quarter Quarter Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-05078

Date: 1-22-01

	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	15	24	11													6				6
GIS																6				6
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Total Claimed Acres: 6

Total GIS Acres: 6

Overlapping POU Claim #'s: _____

COMMENTS:

really had to stretch this to get 6 ac.

Idaho Department of Water Resources

Claim Number:63-05078

Legal:T01S, R02W, S11

Reviewed By:



Point of Diversion



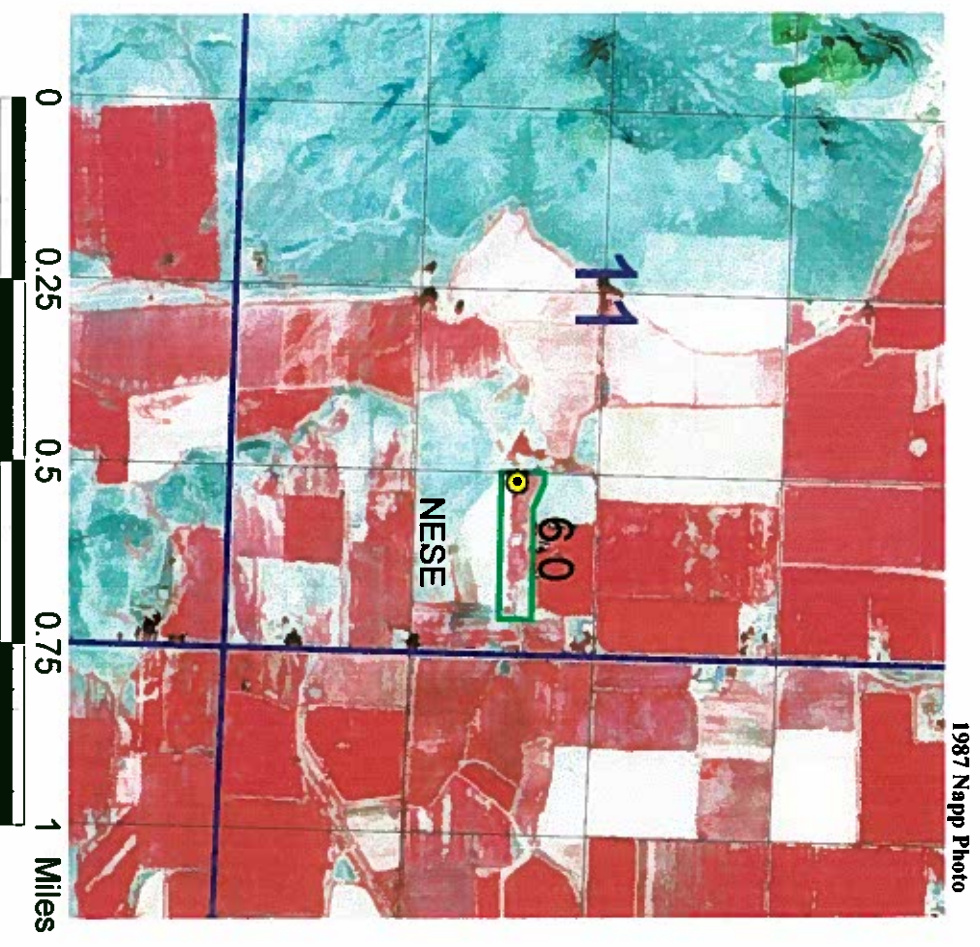
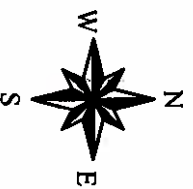
Place of Use



Section Lines



Quarter Quarter Lines



DATE: 11/13/DD
PAGE: 103

DIVERSION
VOLUME

TOTAL DIVERSION: 0.120 CFS

Stage: STATUTORY CLAIM

CANYON County

6.0

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A63-20202

ADDRESS CHANGED PER CLAIMANT NOTIFICATION. DB 5/15/2000.

Objection Filed Date:

Presumption Flag:

Audit:	01/09/90	HOMERTON	03/30/95	POST-STD	05/15/00	DBUFFING
--------	----------	----------	----------	----------	----------	----------

DATE: 11/13/DD
PAGE: 103

Water Right Number - A63-05078

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
Last Name - + First Name - + Address - +
DONALD C 1 - 328 HOLLAND DR State- ID Zip- 83651
2 -
3 -
City- NAMPA
Phone - 208-466-0134
1 - 328 HOLLAND DR
2 -
3 -
City- NAMPA
Phone - 208-466-0134

AYERS

CAROLEE

State- ID Zip- 83651

*** O - ORIGINAL OWNER ***
AYERS

DONALD C

1 - RT 1 BOX 96
2 -
3 -
City- MELBA
Phone - 208-000-0000
1 - RT 1 BOX 96
2 -
3 -
City- MELBA
Phone - 208-000-0000

State- ID Zip- 83641

AYERS

MARGERIE M

State- ID Zip- 83641

+ - Priority Date - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1940 14 WESTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WASTE WATER WALTERS BUTTE LATERAL

+ - - - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - Diversion Name - - - - - +
01S 02W 11 NE SE (27) CANYON

+ - - - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
01 - IRRIGATION 04/01 11/01 0.120

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.120 0.0

+ - - - - Twn Rng Sec Tract Lot Acres Code Description Description County - - - - - +
01S 02W 11 NE SE 6.0 01 IRRIGATION (27) CANYON

Total Acres: 6.0

+ - - - - Diversion Means - HEADGATE & DITCH, GRAVITY FLOWS

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - BOISE-KUNA IRRIG.

```

+ - - - - - + - - - - - + - - - - - + - - - - - + - - - - -
  Old Water Right Numbers -
+ - - - - - + - - - - - + - - - - - + - - - - - + - - - - -
  No Old Water Right Numbers found.

```

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- W007477	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-

Water Right Number - 63-05078

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***

AYERS

DONALD C.

1 - RT. 1 BOX 96

2 -

3 -

City- MELBA

State- ID Zip- 83641

Phone -

1 - RT. 1 BOX 96

2 -

3 -

City- MELBA

State- ID Zip- 83641

Phone -

Priority Date - - +
04/01/1940

Region - - +
14 WESTERN

Stage - - +
S - STATUTORY CLAIM

Status - - +

Source - - - - -
WASTE WATER

Tributary - - - - -
WALTERS BUTTE LATERAL

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
01S	02W	11				NE SE	(27) CANYON			

Code	Description	Period from	Period to	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		1.000	

+- Total Div. Rate - + +- Total Div. Volume - + +- Total Div. Capacity - +
1.000

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01S	02W	11			6.0	01	IRRIGATION	(27) CANYON

Total Acres: 6.0

+- - - Diversion Means -

+- - - Non-Irrigation Use -

+- - - Other Rights for Same Use -

+- - - - - Remarks - - - - -
No Remarks found.

+- - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

Prefix Translation: WATER RIGHT

Decree Plaintiff	Decree Defendant	Decree Date
------------------	------------------	-------------

0000/00/00

+ -Comments..... +
+ No Comments Found +

++ - Audit Fields - 07/05/83 05/01/88

***** Water Rights Dates and Flags Area *****

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Tested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date	-	00/00/0000	Verified Date	-	00/00/0000	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000	Name Connector	-		POU Ownership Flag	-
Presumption Flag	-						



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD C AYERS
CAROLEE AYERS
15516 S MONTANA AVE
CALDWELL ID 83607

Re: Notice of Claim to a Water Right No. A63-05078

Dear Claimants:

Enclosed is a copy of the above referenced claim, which reflects your change in address.

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.

Also note, the zip code has been corrected on water right number 63-27219, which has been decreed by the SRBA Court.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 19, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Mr. Tom Strain
1547 S. Canyon
Melba ID 83641

Dear Mr. Strain:

We were notified by Donald Ayers that you are the current owner of the property subject to the water right claim they filed in the Snake River Basin Adjudication. Enclosed is a change of ownership form that needs to be completed and returned to transfer ownership of the claim to you. Please complete the form and return it to my attention at the address above. If you can provide us with a copy of proof of ownership (Deed, etc.) we need only your signature on the form. If not then we need both yours and the Ayers signature on the form.

Also enclosed is a copy of a letter mailed to Mr & Mrs Ayers dated July 7, 1995 requesting evidence to proof the priority date they claimed. If you have any questions concerning the information requested in the letter please call me at 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Mel Schulte".

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

OwnerA6305078



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

A63-05078
DONALD C AYERS
CAROLEE AYERS
328 HOLLAND DR
NAMP

ID 83651

Re: Claim No(s). A63-05078

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Donald C. & Margery M. Ayers
(Name of Claimant)

Att 1 Box 96 Melba Idaho 83641 Telephone No. 495-2641
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- (3) Waste water tributary to Walters Butte lateral
Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, aft)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity	Use	Quantity	Use	Period of Use From	To
1.0	Irrigation			9/1	11/1

- (4) 1.0 TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11 Twp. 15 Rge. 2W B.M., County of Canyon
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. headgate with gravity ditch

- (6) A) Describe location of use by listing number of Irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

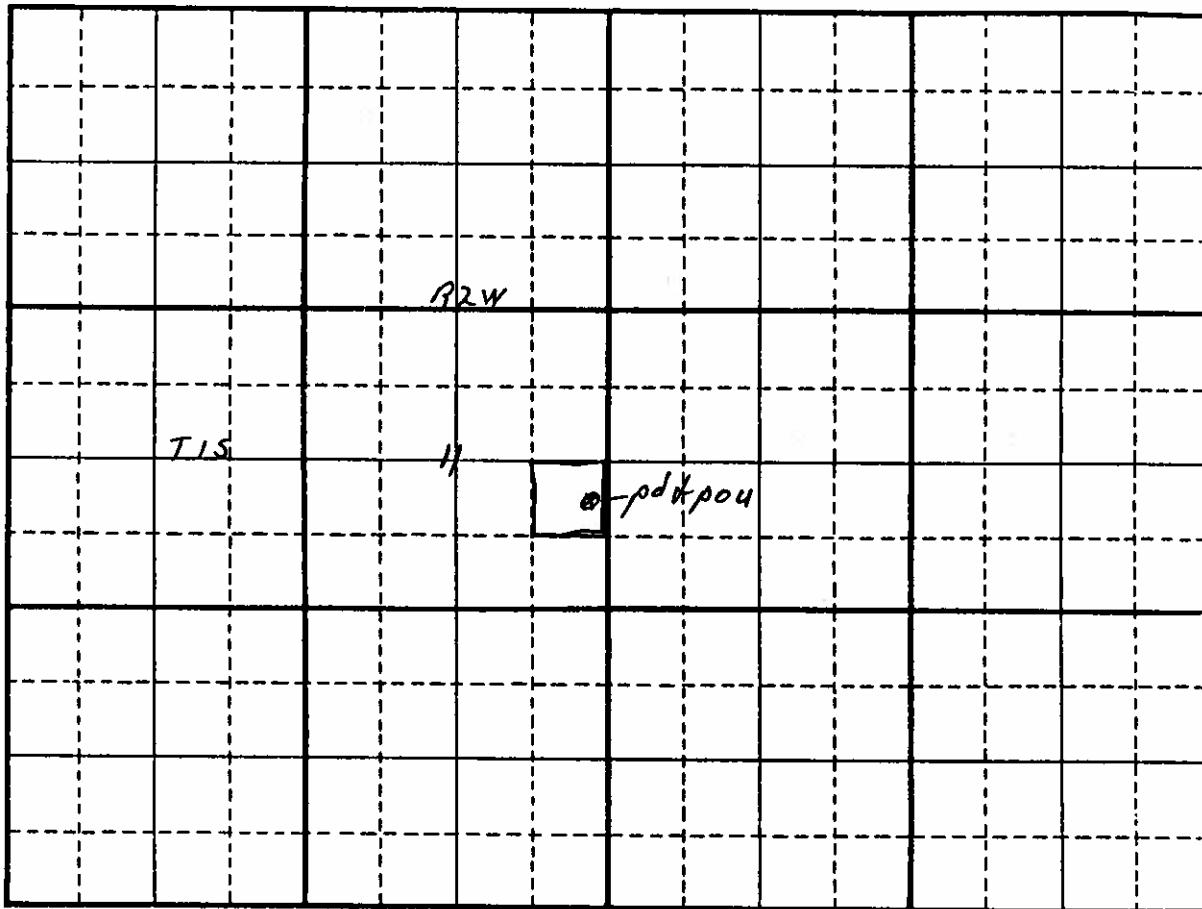
No. of acres 6

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 15 day of June, 19 83.
X Donald C. Ayers
(Claimant)

Nancy M. Northway
Notary Public
Residing at Bose

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by GLS Date 6/15/83 Exception filed by: _____ Date _____
Prelim. check by GLS Date 6/20/83 Forwarded to claimant by: _____
\$30.00 fee received by GLS Date 6/15/83 # 31030
Published in Idaho Press Tribune
Dates 6/30, 7/7/83