

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: A63-04476  
Date Received: 1/30/1990  
Receipt No: MCV 5632  
Received By: RL

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BESSIE L. POWELL 208-459-3522  
Address: RT. 8 LAKE AVE.  
BOX 14A  
CALDWELL, ID 83605

AND/OR

Name: ALVIN POWELL 208-459-3522  
Address: RT. 8 LAKE AVE.  
BOX 14A  
CALDWELL, ID 83605

2. Date of Priority: AUG 15, 1943

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 03W   | 35      | SW     | SW     | SE  |     | CANYON |

5. Description of diverting works:  
12", 40' WELL, 3 HP. PUMP, FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.060  |      |        |

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A63-04476

Page 1

Date: 01/30/90

MICROFILMED

AUG 20 1992

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 04N           | 03W   | 35      | SW SE      |     | IRR | 3.0   |
| Section Acres |       |         |            |     |     | 3.0   |
| Total Acres   |       |         |            |     |     | 3.0   |

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:  
PIONEER IRRIGATION DISTRICT

14. Remarks:  
SEE FILE A63-20449 FOR MAP. THIS IS WITHIN THE UPLAND PARK  
ADDITION, LOTS 1,2,5,6 OF BLOCK 1.

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): Alvin Powell Date: 1/30/90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Canyon ) SS.

Subscribed and sworn (or affirmed) before me this 30<sup>th</sup> day

of January 19 90

Seal

Helen Harrington  
Notary Public

Residing at Helen Harrington, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 1, 1994

05/11/2006

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

RIGHT NUMBER: 63-4476  
NAME AND ADDRESS: BESSIE L POWELL  
4706 LAKE AVE  
CALDWELL ID 83605  
  
ALVIN POWELL  
4706 LAKE AVE  
CALDWELL ID 83605

SOURCE: GROUND WATER                      TRIBUTARY:  
QUANTITY: 0.060 CFS  
13.500 AFY  
PRIORITY DATE: 03/15/1943  
POINT OF DIVERSION:

T04N R03W S35 SWSWSE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/15 11/15          | 0.060 CFS<br>13.50 AFY |

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County  
T04N R03W S35      SWSE    3.00

3 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Pioneer Irrigation District.

Property is also known as Lots 5 & 6 SW of canal, Blk 1, Upland Park Addition.

# Idaho Department of Water Resources

## T04N, R03W, SEC 35

Claim No: 63-4476

Prepared By: Kimberly Brown

Date: May 11, 2006



Place of Use



Section Lines

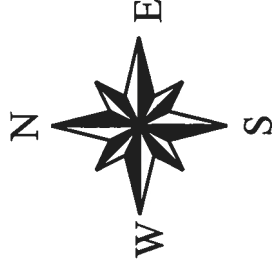


1/4 1/4



Point of Diversion

Irrigated Acres = 3



0 0.05 Miles



1987 NAPP



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4476

WATER RIGHT NUMBER: 63-4476 ✓

| <u>Owner Type</u> | <u>Name and Address</u>                                                   |
|-------------------|---------------------------------------------------------------------------|
| Current Owner     | BESSIE L POWELL ✓<br>4706 LAKE AVE<br>CALDWELL, ID 83605<br>(208)459-3522 |
| Current Owner     | ALVIN POWELL ✓<br>4706 LAKE AVE<br>CALDWELL, ID 83605<br>(208)459-3522    |
| Original Owner    | E E POWELL<br>4005 S FLORIDA<br>CALDWELL, ID 83605                        |

Current Owner:

Alvin Powell  
4706 Lake Ave.  
Caldwell 83605

Priority Date: <sup>03/15</sup>~~08/15/1943~~ ✓Basis: ~~Statutory Claim~~ Beneficial Use

Status: Active

Property Address:

4005 S. Florida Ave.  
Caldwell

Source  
GROUND WATER ✓TributaryBeneficial Use  
IRRIGATION ✓From To  
3/15 to 11/15 ✓Diversion Rate  
0.060 CFS ✓Annual Volume  
13.5 AF  
13.5 AFTotal Diversion: 0.060 CFS ✓Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

SW1/4SW1/4SE1/4 ✓

Sec. 35, Twp 04N, Rge 03W, B.M. ✓

Place of Use  
IRRIGATION ✓

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 04N | 03W | 35  | NE | NW | SW | SE | 3.0    |
|     |     |     |    |    |    |    | 3.0    |

Total Acres: 3 ✓

0.23 + 2.74 = 3.06 AC

Conditions of Approval:

- SEE FILE A63-20449 FOR MAP. THIS IS WITHIN THE UPLAND PARK ADDITION, LOTS 1,2,5,6 OF BLOCK 1.

Remarks: ADD 839 - Season of use is 3/1 to 11/15.ADD - Use is combined with water from Pioneer Irr. Dist.ADD J01 - Place of use is also known as lots 5 & 6 (sw of canal) Blk. 1, Upland Park Addition.Parcel No: R 2743800000. (5.68-5.7 AC)

Field Exam Date 5.11.06

(in-office review)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 53.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

None in 335

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-4476

Owner: Bessie & Alvin Powell Phone No. 459-3522

Current Address: 4706 Lake Ave., Caldwell 83605

Property Address:

4005 S. Florida  
Ave.,  
Caldwell

☒ No change NAME IS THE SAME

☐ NEW OWNER

☒ No change Address

☐ NEW ADDRESS

☒ How long owned property? purchased approximately 18 years ago

Accompanied by: N/A

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 8/15/1943

(If priority date, based on your exam, seems questionable, explain below.)

Evidence of priority was due by April 18, 2006 and, as of this date, I have not received anything. Contractor Ken Henley states in the Field Report Narrative that the "priority date of 1943 is engraved in the concrete well sump." Therefore, I am using

Source: Ground Water

Tributary to

☒ No Change – SAME SOURCE

☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

this statement as evidence and recommending the first day of the irrigation season since only the year is supported and this claim is 1 solely for irrigation purposes.

03/15/43

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

See Field Report.**OVERLAP REVIEW**Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

**WATER USES**Season of use is 3/1 to 11/15.☐ No change☐ Different UsesUse Irrigation From 3/1 To \_\_\_\_\_ Amount \_\_\_\_\_ CFS 13.5 AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

3 acres x 4.5 af/acre = 13.5 af/annum (v) 0.06 cfs x 19835 x 260 days = 30.9 af/annum

**TOTAL VOLUME - Groundwater only**

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA☒ Changes found, the new total is, Amount \_\_\_\_\_ CFS 13.5 AFA☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No changeNone☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**☒ No Change☐ Changes shown below:

Place of use is also known as  
Lots 5 & 6, Blk 1, Upland Park  
Addition.

Parcel No: R2743800000. <sup>2</sup>

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: 63-20450 & 63-20451 (+) Pioneer Irr. Dist. water

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

*This claim is supplemental to Pioneer Irr. District water. #63-20450 & #63-20451, for D (#S), are in the same parcel, but there is no overlap.*

Delivery System Narrative:

*See Field Report.*

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

FLOW MEASUREMENTS:

*See Field Report.*

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

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**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

> Field Exam - 8/2/05

DATE EXAM CONDUCTED: 5-11-06 (in-office review)

FIELD EXAMINER: Kimberly Brown

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4476

WATER RIGHT NUMBER: 63-4476

| <u>Owner Type</u> | <u>Name and Address</u>                                 |
|-------------------|---------------------------------------------------------|
| Current Owner     | BESSIE L POWELL<br>4005 S FLORIDA<br>CALDWELL, ID 83605 |
| Current Owner     | E E POWELL<br>4005 S FLORIDA<br>CALDWELL, ID 83605      |

Priority Date: 08/15/1943

Basis: Statutory Claim

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 0.060 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | SW1/4SE1/4 | Sec. 35, Twp 04N, Rge 03W, B.M. |
| CANYON County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |        |
| 04N | 03W | 35  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0 |    | 3.0    |

Total Acres: 3

Conditions of Approval:Remarks:Comments:

## REAL PROPERTY INQUIRY

+++++

01 6R27438-000- -0 001-12 SCH132+ 02 1,900 2.18

+++++ 19 2.50

POWELL, ALVIN + 20 30,000 1.00

+ 41 38,800

+

+

+

4706 LAKE AVE

CALDWELL ID 83605

+

+++++

35-4N-3W SE UPLAND PARK ADD 8840 + TOTAL 70,700 5.68

LT 5 &amp; 6 SW OF CANAL BLK 1

+++++

+ SURVEY INST 9108510

+ DRAIN DR VALUE APPR TAM

+ CLASS R2 REAP 03 MAN 02 UNIT 1

4005 S FLORIDA AVE, CA

Pg 64E

+ PARCEL 6RC8840001005A H/O N C/B N

+ PRIOR ACCOUNT 5R27438-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R27438000 0 UNIT 001 TOTAL UNITS 1

SITE 4005 S FLORIDA AVE CA SEC/TWN/RNG 35-4N-3W

ASSESSED VALUE 70,700 ACREAGE 5.68

SUB/PARK NAME UPLAND PARK ADD YEAR/MAKE

CLASS R2 RENTAL HOUSE CLASS '2' SPACE LOT BLOCK

+++++

YR BUILT 1939 AIR COND AIR - NONE CARPORT N

STORY 1 STORY HEATING GAS FA CARPORT SQ FT

FIRST SQ FT 792 EXTERIOR ALUMINUM DECK/PATIO? N

SECOND SQ FT ROOF WOOD SHINGLES POOL? N

BEDS 2 BSMT SQ FT 264 SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-4476

03/20/2006

1

| Right #         | Type                   | Twp            | Rge            | Sec           | QQ            | Q             | Lot | Purpose of Use        | Acres/Total    | Name                                    |
|-----------------|------------------------|----------------|----------------|---------------|---------------|---------------|-----|-----------------------|----------------|-----------------------------------------|
| <del>4476</del> | <del>Claim</del>       | <del>04N</del> | <del>03W</del> | <del>35</del> | <del>SW</del> | <del>SE</del> |     | <del>IRRIGATION</del> | <del>3/3</del> | <del>BESSIE L POWELL</del>              |
| 2275            | Water Right            | 04N            | 03W            | 35            | SW            | SE            |     | IRRIGATION            | ✓ 3/3          | PIONEER IRRIGATION DISTRICT             |
| <del>4476</del> | <del>Water Right</del> | <del>04N</del> | <del>03W</del> | <del>35</del> | <del>SW</del> | <del>SE</del> |     | <del>IRRIGATION</del> | <del>3/3</del> | <del>BESSIE L POWELL</del>              |
| 20450           | Water Right            | 04N            | 03W            | 35            | SW            | SE            |     | STOCKWATER            |                | BESSIE L POWELL                         |
| 21536           | Claim                  | 04N            | 03W            | 35            | SW            | SE            |     | DOMESTIC              |                | BIBLE MISSIONARY CHURCH NORTHWE<br>DIST |
| 20450           | Water Right            | 04N            | 03W            | 35            | SW            | SE            |     | DOMESTIC              |                | BESSIE L POWELL                         |
| 20451           | Water Right            | 04N            | 03W            | 35            | SW            | SE            |     | DOMESTIC              |                | ALVIN POWELL                            |

- claim is supplemental to  
Pioneer Irrigation District water

- #63-20450 & #63-20451 cover  
D(S) use in same parcel, but  
no overlap of POU.

overlay review -

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20450

WATER RIGHT NUMBER: 63-20450

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | BESSIE L POWELL<br>4706 LAKE AVE<br>CALDWELL, ID 83605<br>(208)459-3522 |
| Current Owner     | ALVIN POWELL<br>4706 LAKE AVE<br>CALDWELL, ID 83605<br>(208)459-3522    |

same parcel

Priority Date: 03/01/1905

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 2/10 to 11/23           | 0.020 CFS             |                      |
| DOMESTIC              | 1/01 to 12/31           | 0.040 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 CFS             |                      |

Location of Point(s) of DiversionGROUND WATER  
CANYON County

SW1/4SW1/4SE1/4

Sec. 35, Twp 04N, Rge 03W, B.M.

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 03W | 35  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 03W | 35  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-20450

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 8R08840001001A STOCKWATER, 30 RANGE CATTLE PROPERTY ALSO KNOWN AS LOTS 1, 2, 5 & 6, BLK 1, UPLAND PARK ADDITION, 4005 S FLORIDA AVE., CALDWELL.
4. C18 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.

Remarks:

Comments:

1. JGIVENS 4/17/1998 COPIED FROM REMARKS  
Comment: SEE FILE A63-20449 FOR MAP. REPLACEMENT WELL WAS DRILLED IN SPRING OF 1944, 1 POINT OF DIVERSION EXISTS. CHANGE OF STREET ADDRESS 4/17/98 JG.

Water Supply Bank:

# overlay review

Page 1

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20451

WATER RIGHT NUMBER: 63-20451

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | ALVIN POWELL<br>4706 LAKE AVE<br>CALDWELL, ID 83605<br>(208)459-3522    |
| Current Owner     | BESSIE L POWELL<br>4706 LAKE AVE<br>CALDWELL, ID 83605<br>(208)459-3522 |

same parcel

Priority Date: 05/01/1970

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| DOMESTIC              | 1/01 to 12/31           | 0.040 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.040 CFS             |                      |

### Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| GROUND WATER  | SW1/4SW1/4SE1/4 | Sec. 35, Twp 04N, Rge 03W, B.M. |
| CANYON County |                 |                                 |

### Place of Use

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 03W | 35  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

### Conditions of Approval:

1. C18 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.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. 8R08840001001A PROPERTY ALSO KNOWN AS LOTS 1, 2, 5 & 6, BLK 1, UPLAND PARK ADDITION, 4005 S FLORIDA.
4. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-20451

Remarks:

Comments:

1. JGIVENS 8/13/1998 COPIED FROM REMARKS  
Comment: SEE FILE A63-20449 FOR MAP.

Water Supply Bank:

# Receipt Details for ID M005632

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received        | Date Deposited | Region        | Total Amount | Payment Type |
|----------------------|----------------|---------------|--------------|--------------|
| 1/30/1990 4:37:10 PM | 1/30/1990      | Mobile        | \$128.00     | Check        |
| <b>Payer</b>         |                | POWELL, ALVIN |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 336                  |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** SRBA CLAIMS

## Fee Detail:

| Amount   | Description | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|-------------|--------|------|-------------|------------|--------|
| \$128.00 | SRBA CLAIMS | 410162 | 9337 | 00          |            | 6490   |

## Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 63           | 20449           |              | \$25.00 | Claim |
| 63           | 4476            |              | \$53.00 | Claim |
| 63           | 20450           |              | \$25.00 | Claim |
| 63           | 20451           |              | \$25.00 | Claim |

✓ correct amount

Print Report



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 21, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

BESSIE & ALVIN POWELL  
4706 LAKE AVE  
CALDWELL ID 83605

### RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-4476

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You 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 historical use of the water for a beneficial use 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 required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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 SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by April 18, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

Kimberly Brown  
Water Resource Agent  
Adjudication Bureau

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Enclosure: "Evidence of Priority" pamphlet  
Notice of Claim A63-4476

**NOTE:** If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
  - ☐ Well logs (if needed)
  - ☐ Copy of topo or NAPP
  - ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
  - ☐ Check POD & POU overlap, see below – include overlapping right for exam
  - ☐ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) A63-04476Owner: Bessie L. Powell Phone No. 208-459-3522Current Address: RT. 8 Lake Ave. Box 144

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Alvin Powell
- ☐ No change Address
- ☒ NEW ADDRESS 4206 Lake Ave. Caldwell Id 83607
- ☐ How long owned property? 18 yrs

Accompanied by: Alvin Powell**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: Aug. 15, 1943

(If priority date, based on your exam, seems questionable, explain below.)

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Source: ground water Tributary to \_\_\_\_\_

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☒ No change
- ☐ POD found is different than claimed: \_\_\_\_\_
- ☐ If different, when did POD change? \_\_\_\_\_

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            | SW  | SW  | SE  | 35   | 04N  | 03W  | Canyon |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

12" well 40' Deep 3HP pump**OVERLAP REVIEW**Other water rights with the same point of diversion: N/A

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

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**WATER USES**☒ No change☐ Different UsesUse IRRIGATION From 03/15 To 11/15 Amount 0.060 CFS 10.5 AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

**TOTAL VOLUME – Groundwater only**☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**☒ No Change☐ Changes shown below:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |        |
| 041V         | 03W | 35  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0 |    | 3.0    |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    | 3.0    |

Overlap with other water rights: PIONEER IRRIGATION DISTRICT.

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: The well & concrete housing is all underground. A (3) three HSP pump delivers the water to a 4" flex line that allows the property to be gravity irrigated.

GPS. 2285192  
USR. 1384871

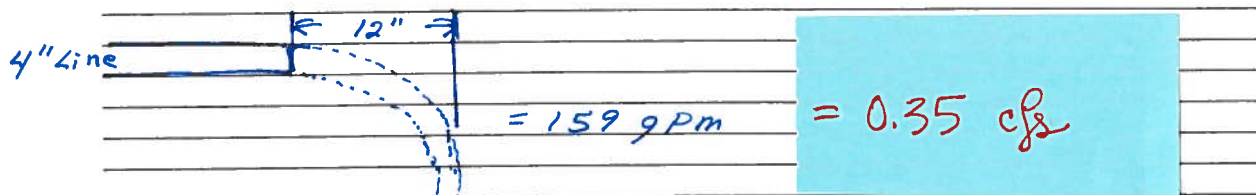
| Well or Diversion Identification No GPS ID | Motor Make | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|--------------------------------------------|------------|-----|------------------|-----------|-----------------------------------|
|                                            | Fairbanks  | 3.0 | NA               | NA        | 4"                                |
|                                            |            |     |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

Flow measurement w/ Full 4" open Discharge Hose



MR. ALVIN POWELL PURCHASED THIS PROPERTY FROM

His mother approximately 18-YRS Ago. The Property  
is Idle for this Irrigation Season. The Priority  
Date of 1943 is Engraved in the Concrete Well  
Sump. The 1987 Napp Photo Showing the Well is  
A Domestic Well in the Irrigation Well. The Irrigation  
Well is Located in the NE Corner of USTIC + Florida  
Rd.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: Aug. 2, 2005

FIELD EXAMINER: Ken Henley

**FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

Yard Stick Flow measurement.

$$159 \text{ gpm} \div 9 = 17.66 \div 50 = 0.353 \text{ cfs.}$$

**VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

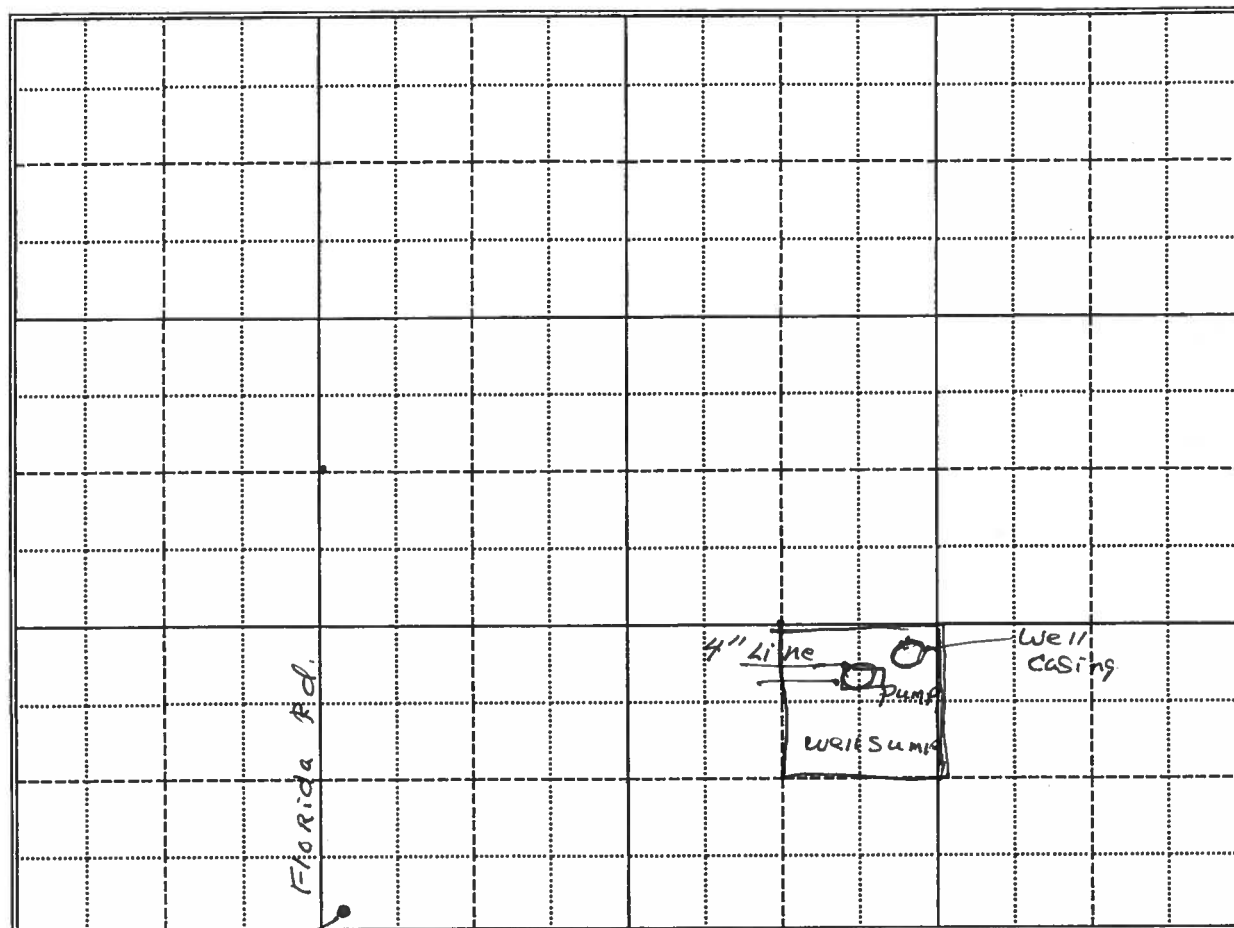
$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3.0 \times 4.5 = 13.5 \text{ AF/Y}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.35 \times 260 \times 1.9835 = 180.49$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 13.5$$

## 2. Volume Calculations for Other Uses:

**Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

## FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ALVIN POWELL (A63-04476)

8-02-05



# Idaho Department of Water Resources

Claim Number: 63-04476  
Legal: T04N, R03W, S35  
Reviewed By:

1987 Napp Photo



Point of Diversion



Domestic well

Place of Use



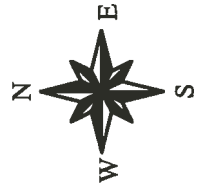
Section Lines



Quarter Quarter Lines



Irrigation well



## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

**Section 42-225a, Idaho Code**

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that E. E. Powell &/or Bessie L. Powell.  
(name of claimant)

of 4005 S. Florida, Caldwell, ID 83605, claims a right to the diversion and beneficial use of  
(mailing address)

**the public water of the State of Idaho**

**The extent and nature of said claim is as follows:**

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) groundwater  
\_\_\_\_\_, tributary to \_\_\_\_\_

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 0.06 cfs Use irrigation Period of Use: From Mar. 15 To Nov. 15

| Amount | Use | Period of Use: From | To |
|--------|-----|---------------------|----|
|--------|-----|---------------------|----|

| Amount | Use | Period of Use: From | To |
|--------|-----|---------------------|----|
|--------|-----|---------------------|----|

| (cfs, gpm<br>or a/f) | (dom., irri.,<br>stock, etc.) | (both dates inclusive) |
|----------------------|-------------------------------|------------------------|
|----------------------|-------------------------------|------------------------|

- (3) Total quantity of water claimed: 0.06 cfs cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) **August 15, 1943**

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

**SW**  $\frac{1}{4}$  **SE**  $\frac{1}{4}$ , Sec. **35** Twp. **4N** Rge. **3W** 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. 40' deep, 2 1/2" intake, 3" outlet, Fairbank & Morris Centrifugal pump, 3 hp motor.

- (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]Total No. of acres 3

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

- 3(7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

A 10x10 grid with dashed lines. A red arc with an asterisk is at the intersection of the 4th column and 6th row. The number '35' is at the intersection of the 4th column and 7th row.

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.

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 affiants knowledge.

LEON ELP  
(Claimant)

My commission expires 9/10/80

|                                       |                     |                     |              |      |
|---------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>JG</u>                 | Date <u>4/18/22</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>JG</u>            | Date <u>4/18/22</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>JG</u>     | Date <u>4/18/22</u> |                     |              |      |
| Approved for publication by _____     |                     |                     |              |      |
| Published in <u>Indian Literature</u> |                     |                     |              |      |
| Dates <u>April 28 - May 5, 1977</u>   |                     |                     |              |      |