

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: A63-04485
Date Received: 3/05/1990
Receipt No: W010475
Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLAIR H. LEAVITT 208-459-6535
Address: 13472 SUNNYSLOPE RD.
CALDWELL, ID 83605

OR

Name: JOANNE T. LEAVITT 208-459-6535
Address: 13472 SUNNYSLOPE RD.
CALDWELL, ID 83605

2. Date of Priority: MAR 01, 1937

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	26	NE	SW			CANYON

5. Description of diverting works:
PIPE TO HOME, STOCK TANKS AT CORRALS, GRAVITY FLOW IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 RANGE, D/1 HOME.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	04W	26	NE		SW		STOCK	
			NW		SW		IRR	18.0
			NW		SW		DOMEST	
			NW		SW		STOCK	
							Section Acres	18.0
							Total Acres	18.0

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:
WILDER IRRIGATION

14. Remarks:
THIS CLAIM SHOWS NEW HOME LOCATION

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 X 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): Clair H. Leavitt Date: Mar. 5, 1990

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of Mar 19 90

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission ~~My Commission Expires December 8, 1994~~

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-4485

CLAIR H LEAVITT
13472 SUNNYSLOPE RD
CALDWELL ID 83605
Telephone Number: (208)459-6535

JOANNE T LEAVITT
13472 SUNNYSLOPE RD
CALDWELL ID 83605
Telephone Number: (208)459-6535

RECEIVED
MAR 05 2007
WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-20-06 SIGNATURE: Clair H. Leavitt
Please print your name: Clair H. Leavitt

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

06/29/2006

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

RIGHT NUMBER: 63-4485

NAME AND ADDRESS: CLAIR H LEAVITT
13472 SUNNYSLOPE RD
CALDWELL ID 83605

JOANNE T LEAVITT
13472 SUNNYSLOPE RD
CALDWELL ID 83605

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.420 CFS

PRIORITY DATE: 12/31/1939

POINT OF DIVERSION:

T03N R04W S26 NENESW Within CANYON County

T03N R04W S26 SENESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.360 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within CANYON County

T03N R04W S26 NWSW 18.00

STOCKWATER Within CANYON County

T03N R04W S26 NESW T03N R04W S26 NWSW

DOMESTIC Within CANYON County

T03N R04W S26 NWSW
18 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

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 50 range cattle.

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



Idaho Department of Water Resources

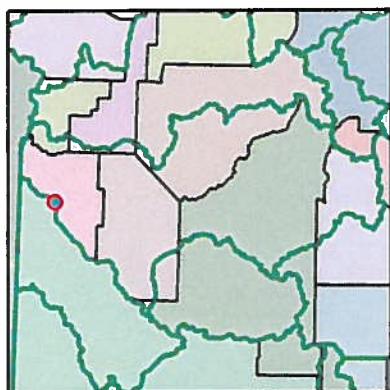
SRBA Recommendation:

63-4485

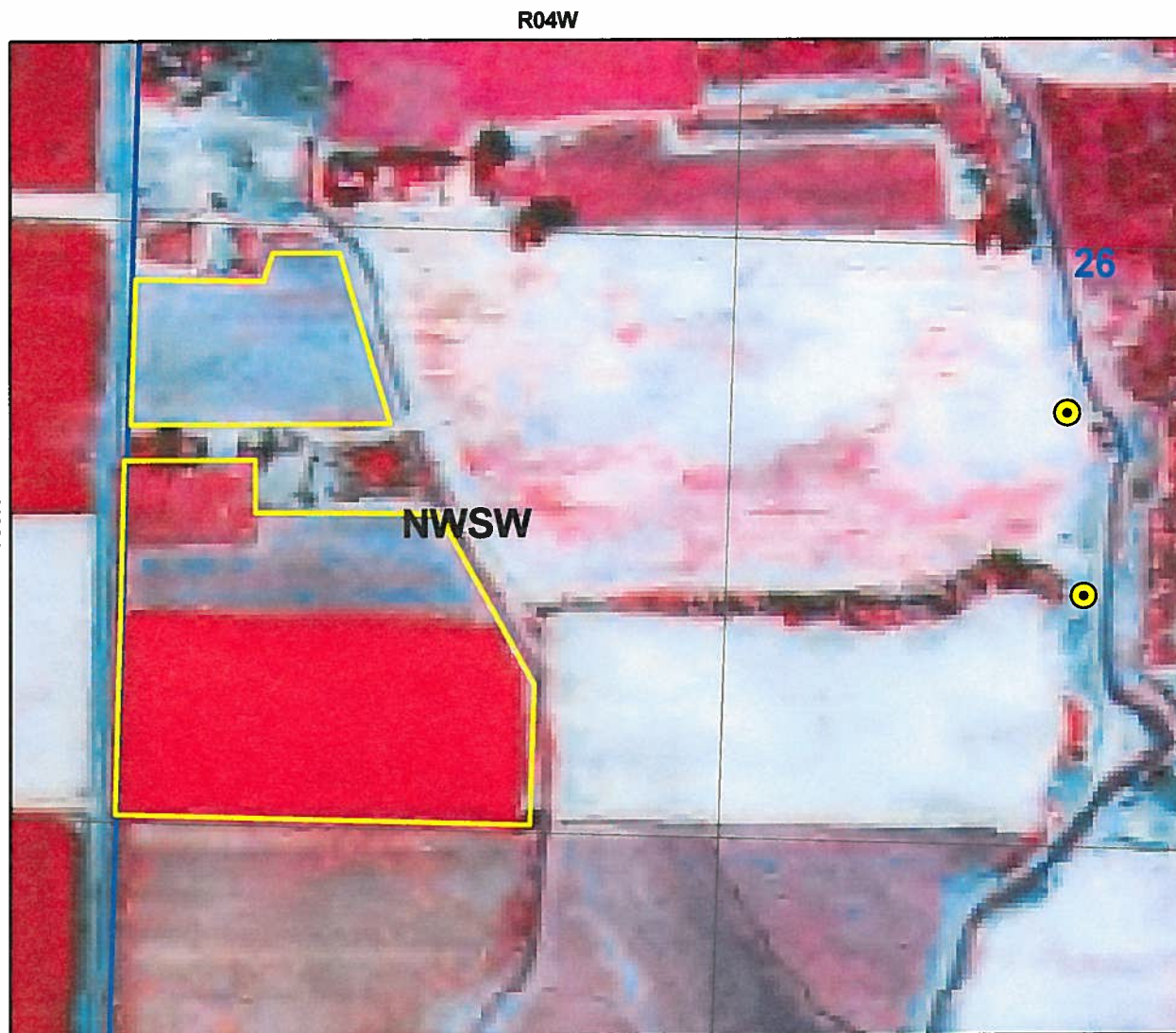
Acres = 18

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0

0.2

0.4 Miles



Prepared by K. Walker
On Thursday, June 29, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4485

WATER RIGHT NUMBER: 63-4485 ✓

Owner Type Name and Address

Current Owner

JOANNE T LEAVITT ✓
 13472 SUNNYSLOPE RD ✓
 CALDWELL, ID 83605 ✓
 (208)459-6535 ✓

Current Owner

CLAIR H LEAVITT ✓
 13472 SUNNYSLOPE RD ✓
 CALDWELL, ID 83605 ✓
 (208)459-6535 ✓

Priority Date: 12/31/39 → see recommend by mm

Basis: ~~Statutory Claim~~ B/U

Status: Active -

Source

SPRINGS ✓

Tributary

SNAKE RIVER ✓

Beneficial Use

STOCKWATER

IRRIGATION

DOMESTIC

From To

1/01 to 12/31 ✓

3/15 to 11/15

1/01 to 12/31 ✓

Diversion Rate

0.020 CFS - 50 cattle

0.360 CFS

0.040 CFS - 1 home

Total Diversion:

0.420 CFS

Location of Point(s) of Diversion

SPRINGS ✓

CANYON County ✓

① NE NE1/4SW1/4

② SE NE SW

Sec. 26, ✓ Twp 03N, ✓ Rge 04W, ✓ 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	
03N	04W	26									X	X							

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	
03N	04W	26												18.0					18.0

Total Acres: 18

DOMESTIC

write up & rec.
 by Kay Walker
 6/29/06
 per field exam of 8/31/95.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4485

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	26										X							

Conditions of Approval:

1. THIS CLAIM SHOWS NEW HOME LOCATION TEMP ADDRESS (UNTIL 07/1996) IS RT 1 BOX 24B, JAMESON MO 64647 09/07/1995 MM.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4485

WATER RIGHT NUMBER: 63-4485

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOANNE T LEAVITT 13472 SUNNYSLOPE RD CALDWELL, ID 83605 (208)459-6535
Current Owner	CLAIR H LEAVITT 13472 SUNNYSLOPE RD CALDWELL, ID 83605 (208)459-6535

Priority Date: 03/01/1937

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<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	
IRRIGATION	3/15 to 11/15	0.600 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.660 CFS	

Location of Point(s) of Diversion

SPRINGS	NE1/4SW1/4	Sec. 26, Twp 03N, Rge 04W, 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	
03N	04W	26									5.0	25.0							30.0

Total Acres: 30

DOMESTIC same as IRRIGATIONSTOCKWATER same as IRRIGATIONConditions of Approval:

1. SUPPLEMENTAL RIGHT TO WILDER IRR. DIST.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4485

03/28/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4485	Water Right	03N	04W	26	NE	SW		IRRIGATION	5/30	JOANNE T LEAVITT
10593	Water Right	03N	04W	26	NE	SW		IRRIGATION	12.5/91.5	SYMMS FRUIT RANCH INC
4485	Claim	03N	04W	26	NE	SW		STOCKWATER		JOANNE T LEAVITT
4485	Claim	03N	04W	26	NW	SW		IRRIGATION	18/18	JOANNE T LEAVITT
4485	Water Right	03N	04W	26	NW	SW		IRRIGATION	25/30	JOANNE T LEAVITT
4485	Claim	03N	04W	26	NW	SW		STOCKWATER		JOANNE T LEAVITT
4485	Claim	03N	04W	26	NW	SW		DOMESTIC		JOANNE T LEAVITT

NO irrig here

NO

OK

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 Clair H. &/or Joanne T. Leavitt
(name of claimant)
of Rt. 4, 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) Unnamed Springs
_____, 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	<u>0.60 cfs</u>	Use	<u>irrigation</u>	Period of Use: From	<u>Mar 15</u>	To	<u>Nov 15</u>
Amount	<u>0.04 cfs</u>	Use	<u>domestic</u>	Period of Use: From	<u>Jan 1</u>	To	<u>Dec 31</u>
Amount	<u>0.02 cfs</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>Jan 1</u>	To	<u>Dec 31</u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 0.66 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) March 1937

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)

NE ¼ SW ¼ Sec. 26 Twp. 3N Rge. 4W 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. Gravity flow

(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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	4W	26									5	25							30

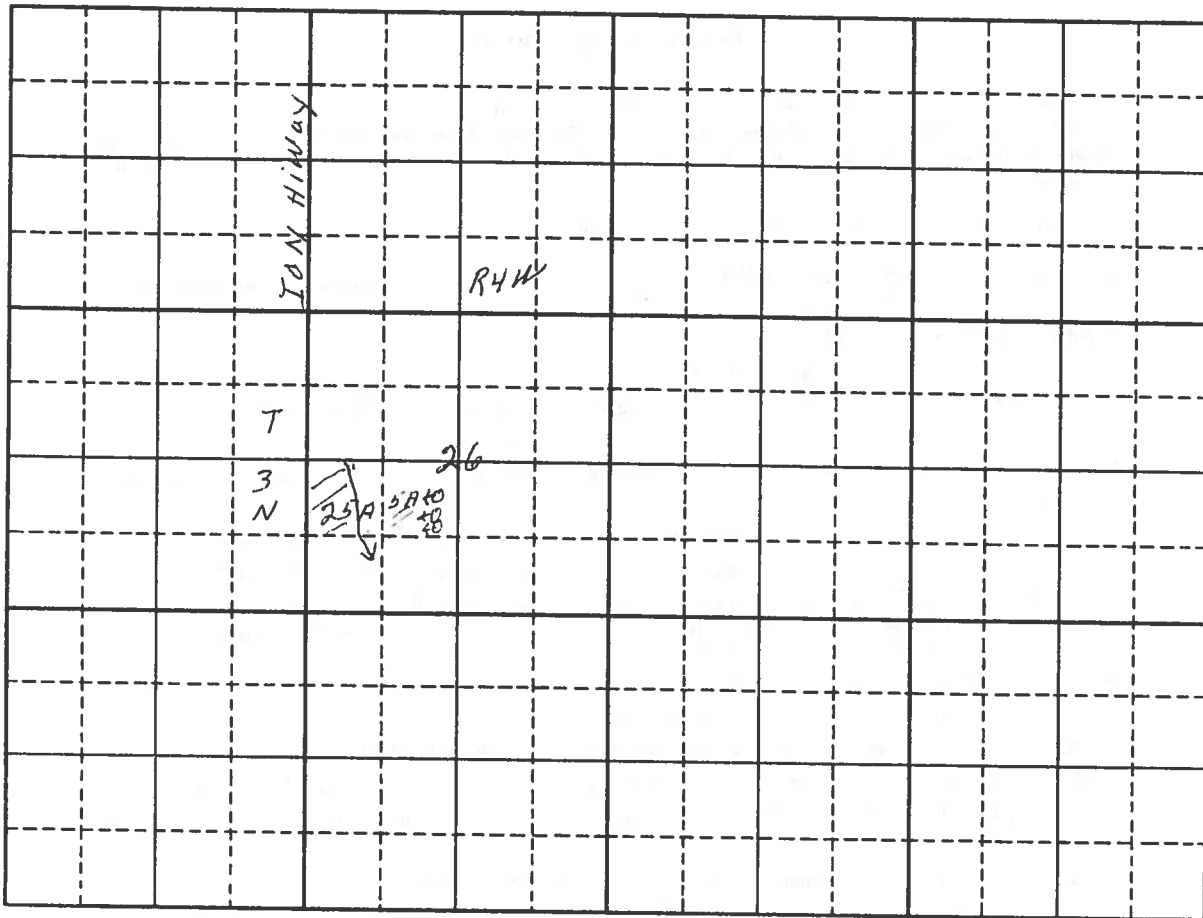
Total No. of acres 30

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

50 head of stock & one family unit.

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

(8) Remarks Supplemental right to Wilder Irrigation District



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)
) ss.
County of Ada)

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.

Sworn to before me this 3rd day of May, 19 77.

Clair H. Leavitt
(Claimant)

Rita Bendale
Notary Public
Residing at Boise, Id

My commission expires March 8, 1980

For Department Use Only

Received by <u>JKH</u>	Date <u>5/3/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W. H.</u>	Date <u>5-4-77</u>		claimant by:	
\$10.00 fee received by <u>ca</u>	Date <u>5-3-77</u>	# <u>7680</u>		
Approved for publication by <u>ca</u>	Date <u>May 5, 1977</u>			
Published in <u>Times-Journal</u>				
Dates <u>May 13, 1977 + May 19, 1977</u>				

REAL PROPERTY INQUIRY

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+++++
01 6R33547-000- -0 182-00 SCH139+ 02 200 .56
+++++
LEAVITT, CLAIR + 31 117,600
& LEAVITT, JOANNE-TRUST +
% LEAVITT, CLAIR H & +
% LEAVITT, JOANNE T-CO-TRUSTEES +
+
13472 SUNNY SLOPE RD +
CALDWELL ID 83607 +
+++++
26-3N-4W SW + TOTAL 143,100 1.56
N 170' OF W 400' OF N 1/2 NW SW ++++++
+ SURVEY INST 9713780
+ DRAIN DR VALUE APPR BWL
+ CLASS +2 REAP 02 MAN 01 UNIT 1
13472 SUNNY SLOPE RD, CA + PARCEL 6R03N04W265550 H/O N C/B N
+ PRIOR ACCOUNT 5R33547-000- -0
+ 02 MH on Property NO
SEE R33546-010

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MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R33547000 0 UNIT 001 TOTAL UNITS 1

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SITE 13472 SUNNY SLOPE RD CA SEC/TWN/RNG 26-3N-4W
ASSESSED VALUE 143,100 ACREAGE 1.56
SUB/PARK NAME YEAR/MAKE
CLASS +2 OWNER / OCCUPIED HOUSE CLASS '+2' SPACE LOT BLOCK

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+++++
YR BUILT 1978 AIR COND CENTRAL AIR CARPORT N
STORY 1 STORY HEATING ELECTRIC FA CARPORT SQ FT
FIRST SQ FT 1596 EXTERIOR PLYWOOD DECK/PATIO? Y
SECOND SQ FT ROOF COMP POOL? N
BEDS 5 BSMT SQ FT 1596 SPA? N
BATHS 2.00 % BSMT FIN 60 LOT SIZE
FRPLC 1 GARAGE A2 NEIGHBORHOOD 0
GARAGE SQ FT 484

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+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

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MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 03/28/2006 Time 8:53

REAL PROPERTY INQUIRY

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+++++
01 6R33547-000- -0 182-00 SCH139+ 02 200 .56
+++++
LEAVITT, CLAIR + 31 117,600
& LEAVITT, JOANNE-TRUST +
% LEAVITT, CLAIR H & +
% LEAVITT, JOANNE T-CO-TRUSTEES +
+
13472 SUNNY SLOPE RD +
CALDWELL ID 83607 +
+++++
26-3N-4W SW + TOTAL 143,100 1.56
N 170' OF W 400' OF N 1/2 NW SW ++++++
+ SURVEY INST 9713780
+ DRAIN DR VALUE APPR BWL
+ CLASS +2 REAP 02 MAN 01 UNIT 1
13472 SUNNY SLOPE RD, CA + PARCEL 6R03N04W265550 H/O N C/B N
+ PRIOR ACCOUNT 5R33547-000- -0
+ 02 MH on Property NO
SEE R33546-010

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Receipt Details for ID W010475

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/5/1990 11:21:06 AM	3/5/1990	Western	\$68.00	Check
Payer		LEAVITT, CLAIR H.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
628			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$68.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4485		\$68.00	Claim

[Print Report](#)

AJ0749NP
No. R63-04485

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/08/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOANNE T LEAVITT	12/31/1939	IRRIGATION	03-15 11-15	0.36 CFS	81.00 AFA
C	CLAIR H LEAVITT		STOCKWATER	01-01 12-31	0.02 CFS	
	13472 SUNNYSLOPE RD		DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
	CALDWELL ID 83605					
	(208) 459-6535					
				TOTAL DIVERSION:	0.42 CFS	82.20 AFA
				CONSUMPTIVE USE:		63.00 AFA

Water Source: SPRINGS Tributary to: SNAKE RIVER Stage: BENEFICIAL USE
Point(s) of Diversion: T03N R04W S26 NENESW SENESW CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
03N	04W	26	:					:					:			18		:					:	18.0
																							TOTAL ACRES	18.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
03N	04W	26	:					:					:	S	S			:					:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
03N	04W	26	:					:					:	D				:					:

POU County: CANYON

Non-Irrigation Uses: DOMESTIC, ONE HOME; STOCKWATER, 50 CATTLE

Dates: Exam Made Date: 08/31/1995 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R63-04485

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/08/96
PAGE: 2

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Comments: Date: 01/08/1996 User-ID: MMINICUC Subject: COPIED FROM REMARKS
THIS CLAIM SHOWS NEW HOME LOCATION
TEMP ADDRESS (UNTIL 07/1996) IS RT 1 BOX 248, JAMESON MO 64647
09/07/1995 MM.

Date: 01/08/1996 User-ID: MMINICUC Subject: DOMESTIC
THE DOM. USE RECOMMENDED IS FOR THE (YELLOW) HOUSE BUILT IN 1978.
THE DOM. PORTION OF THE RIGHT WAS TRANSFERRED TO THIS HOUSE WHEN
IT WAS BUILT. THE (WHITE) ORIGINAL HOME IS OCCUPIED, BUT DOES NOT
APPEAR TO HAVE A VALID WATER RIGHT FOR USE OF WATER FROM ANY
SURFACE WATER SOURCE. IDWR CORR. TO CLAIMANT (IN FILE), NO
RESPONSE AS OF 01/08/1996.

Date: 01/08/1996 User-ID: MMINICUC Subject: ACRES
ACRES DETERMINED USING ASCS 1987 MAP AND IDWR PLANIMETER.

Date: 01/08/1996 User-ID: MMINICUC Subject: SOURCE
THE SOURCES FOR THIS RIGHT ARE TWO SPRINGS, BOTH OF WHICH LIE ON
THE WEST SIDE OF THE DEER FLAT LOW LINE CANAL. THESE SPRINGS, IF
UNIMPEDED, WOULD FLOW TO THE SNAKE R. IT DOES NOT APPEAR THAT
THE CHANNEL INTO WHICH THE SPRINGS FLOW SERVES AS A DRAIN FOR THE
FIELDS JUST WEST OF THE CANAL. THERE MAY BE SOME INDIRECT RUN-OFF
INTO THE CHANNEL, BUT THE SPRINGS CONTRIBUTE THE DIRECT WATER
FLOW IN THE CHANNEL.

Audit: 01/08/96 MMINICUC

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-04485

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>Y</u>	<u>TTT</u>	<u>Affidavit</u>	<u>N</u>		<u>TTM</u>	
PT. OF DIV.		<u>08/31/1995</u>	<u>5</u>	<u>N</u>		<u>01/05/1996</u>	DATA ENTRY COMPLETED
SOURCE		<u>09/01/1995</u>	<u>5</u>	<u>N</u>			BY <u>TTT</u> DATE <u>01/08/1996</u>
PL. OF USE			<u>5, 4</u>	<u>N</u>			FINAL RECOMMENDATION
DIV. AMOUNT CFS/AF			<u>5</u>	<u>N</u>			BY _____ DATE _____
CONSUMPTIVE USE			<u>IDWR STAND.</u>	<u>N</u>			
NATURE OF USE			<u>5</u>	<u>N</u>			
PERIOD OF USE			<u>IDWR STAND</u>	<u>N</u>			
BASIS OF CLAIM			<u>J</u>	<u>Y</u>			
REMARKS							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES X NO ____.

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER(SEE COMMENTS) = 6

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: Only portion of orig stat claim filed. Verify dam location, possible date of change.

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ~~yes~~ ☒ no If yes: ___ copy of claims & water rights incl?
Type of Overlap? ___ Add acres or uses to existing system
___ Increase rate of flow or volume
~~Other:~~ Fee Dike
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☒ yes ___ no If yes: ___ copy of claims & water rights incl?
Type of Overlap? ___ Increase rate of flow or volume
___ Add P/D's
___ Increase number of acres within tracts
☒ Different source for same acres
___ Other: _____

~~YES~~ ☒ Appointment Letter Sent? Intg Evidence letter (initial & date) L.H. 07/07/1995

☒ Appointment Made and Telephone Conversation Memo Attached See CVR ALSO

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use.

C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? ___ Yes ___ No

Exam completed date data entered on claim TTT 01/08/1996 (initial & date)

Claim Verification Report completed TTT 01/08/1996 (initial & date)

Was CVR spot-checked by Supervisor? ___ Yes ___ No (initial & date)

R claim file created TTT 01/08/1996 (initial & date)

Recommendations entered on R claim file TTT 01/08/1996 (initial & date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:53:49
08/29/95

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A63-04485

LAST: LEAVITT
ADDRESS: 13472 SUNNYSLOPE RD
CITY: CALDWELL
PHONE NUMBER: 208-459-6535

FIRST: CLAIR H
STATE: ID ZIP: 83605

OWNER CODE: C

LAST: LEAVITT
ADDRESS: 13472 SUNNYSLOPE RD
CITY: CALDWELL
PHONE NUMBER: 208-459-6535

FIRST: JOANNE T
STATE: ID ZIP: 83605

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE

(Y)

FIELD
EXAMINER
Y () N ()

CLAIM REMARKS: THIS CLAIM SHOWS NEW HOME LOCATION

FIELD EXAMINATION INFORMATION

CONTACT PERSON: David Leavitt

PHONE NUMBER: (208) 459-6535

DATE OF FIELD EXAM: 08/31/1995

APPOINTMENT MADE: Y (X) N ()

TIME: 9:00 A (X) P ()

ACCOMPANIED BY: David Leavitt

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: Son

DIRECTIONS TO PROPERTY / NOTES:

1/2 mile past ~~lowell~~ (south of) Lowell Rd in Sunnyslope. Driveway is
opposite Tree Lane (or just past). Yellow house w/ circular drive. Yellow
pickup & grey cattle trailer. House is on east side of Sunnyslope Hwy 55.
2nd field exam conducted 09/01/1995 because no time for good flow
measurement. Mr. Leavitt was not present during the second exam. ()

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT David Leavitt

PHONE NUMBER 459-6535 ADJ. AGENT TT Minicucci

DATE SET FOR EXAM 08/31/1995

LOCATION/DIRECTIONS Sugar Beet factory to Parsippany (Hwy 55)
Huron P.O., drop into Sunnyslope. Lowell Rd (signs)
1/2 mile past. Road on RT TRUE LANE. Driveway
is across Hwy 55 from TRUE LIV. Yellow House. Grey
CATTLE trailer,
yellow pick-up.

Diverting at full rates? YES

Type of measuring devices? NO

Places to make measurements? YES

Type of System? (pipelines, ditches) Piped to ditches

How many laterals are used? _____

Length and size of mainline? _____

Size of motor used for each P/D? N/A

Estimate of depth to water? N/A

Pressure at well? N/A

Pressure at sprinkler heads? _____

COMMENTS 08/29/1995: Two springs. one through a pipeline. Other
spring (ice) flows down into a pond, directed to fields via
ditch/natural drainage. Other springs on property also used.

A. AJ CLAIM: # A63-04485 PRIORITY DATE: 03-01-1937 STAGE: S

B. WR RECORD: # 63-04485 PRIORITY DATE: 03-01-1937 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(X)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(X)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(X)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(X) Y() N()

FIELD EXAM COMPLETED N/A(X) Y() N()

FIELD EXAM SENT TO STATE OFFICE N/A(X) Y() N()

LICENSE ISSUED N/A(X) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y(X) N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N(X) J

NOTES: 08/29/1995: Evidence submitted 08/28/1995 contains claimant's personal
knowledge of water right since 1975 & second-hand knowledge of
previous use. T.R. David Leavitt, claimants' son will pursue add'l
evidence. m

01/04/1996: No add'l info has been submitted. Affidavit contains second
hand information but can be accepted. Priority date valid for one home,
only. ~~But~~ "Evidence of Priority" pamphlet indicates the claimants may
submit second-hand information. ~~But~~ Domestic use is ~~not~~ for the
house built in 1978 (yellow house). The domestic portion of water ~~was~~ right
was transferred to new house at that time. Original house (white) does not have a valid
Water Right for domestic use
at the original home. m

RECOMMENDED PRIORITY DATE:

03 - 01 - 1937

REVIEWED BY 477 m

DATE 01/04/1997

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-04485	03N 04W	26		NE	SW			CANYON		
OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX			R PREFIX							
NONE			NONE							

SOURCE: SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-04485	03N 04W	26		NE	SW			CANYON		
OTHER WR RECORDS WITH SAME WR POD			AJ CLAIMS IN SAME 40 ACRE TRACT							
			A PREFIX R PREFIX							
NONE			NONE NONE							

SOURCE: SPRINGS

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N(☒)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N(☒)

AJ FIELD EXAM (DATE OF FIELD EXAM 08/31/1995) NAME OF EXAMINER M Minicucci Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

09/01/1995

11

NOTES: 08/29/1995: No pop overlaps on WR OR AJ database (WRQS, AJQS). mm

01/04/1996: 2 springs located in QQ. One in NENESW, one in SENESW.
The second one is close to the center of the QQ. 127

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

[illegible]

SOURCE: SPRINGS

TRIB: SNAKE RIVER ~~Inward stream, sink~~
Snake River

REVIEWED BY: 11/1/2000

DATE: 01/04/1996

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT (X)

01/08/1996: The Boise Project Board of Control protested the statutory filing on this water right. ⁽¹⁹⁷⁷⁾ They claimed that the channel into which the springs discharge is actually a drain belonging to the Board. Although run-off water from the eastern fields (ASCS NO. 2) probably ends up in this channel, the spring flows do not appear to originate as waste water. Although the OQ seems to show that the channel continues westward rather than turns northward along the east edge of the recommended acres, this ~~channel~~ west flowing channel was not located in the field. Nor does the channel connect directly to the ~~Deer Flat Low Line Canal~~.
Sunnyslope Lateral.

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A. ROOT WATER RIGHT NUMBERS: A63-04485

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	04W	26	NE	SW		LEAVITT, CLAIR H SYMMS FRUIT RANCH INC	A63-04485 /	63-04485 / 5.0 63-10593 / 12.5	36.0	Ø	Ø
03N	04W	26	NW	SW		LEAVITT, CLAIR H	A63-04485 / 18.0	63-04485 / 25.0	38.0	18.7	18
03N	04W	26	NW	SW		LEAVITT, CLAIR H	A63-04485 /	63-04485 / 25.0	38.0	D (1)	D (1)
03N	04W	26	NW	SW		LEAVITT, CLAIR H	A63-04485 /	63-04485 / 25.0	38.0	Stock	Stock

ADDITIONAL POU FOUND

TOTAL ACRES A63-04485 18.00 80.00 150.00 18.7 18

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(X)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(X) N(X)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: WILDER IRRIGATION

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(X) Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N(X)

01/04/1996: Land to east of recommended acres is irrigated w/ distr H₂O, but none is used on recommended acres.

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N(☐)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☐) N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: (☒) ORTHOPHOTOQUAD, IDWR NO. X54; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(☒) NAPP, IDWR NO. X54 NE; (☒) ASCS PHOTO; () OTHER _____

NOTES: 08/29/1995: No overlaps on WR or AS data base (WR or AS) except for
BoR license. These @'s NOT on AS data base. on
BoR's

01/04/1996: Acres were determined by using IDWR's Lasico Planimeter,
Model 42P, Serial No. B-90848, V. short arm, CA value of .059134,
with 1987 ASCS map. Acres were found to be 5.8 (NW NWSW) and
12.9 (SW NWSW) for a total of 18.7 acres. Only 18 acres claimed which
is probably correct since the house + driveway of the yellow house were
not excluded from the calculations. ~~the~~ Irrigation at the 1978 house
is recommended as the external component of the domestic portion
of the claim, leaving 18 acres under the irrigation component of the right
(18.7 - driveway/house - lawn + gardens). ~~the~~ Domestic use is internal &
external use at 1978 (yellow) house. TTT

RECOMMENDATIONS:

TOTAL ACRES: 18 N/A(☐)

REVIEWED BY: TTT

DATE: 01/04/1996

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-04485	IRRIGATION	FROM 03-15 TO 11-15	0.360 CFS	
A63-04485	STOCKWATER	FROM 01-01 TO 12-31	0.020 CFS	
A63-04485	DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	
TOTAL DIVERSION RATE/VOLUME			0.420 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-04485	IRRIGATION	FROM 03-15 TO 11-15	0.600 CFS	
63-04485	STOCKWATER	FROM 01-01 TO 12-31	0.020 CFS	
63-04485	DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	
TOTAL DIVERSION RATE/VOLUME			0.660 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(X) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(X) N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(X) N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(X) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y(X) N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(X) Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y(X) N()

NOTES: 01/04/1996: Flow measurement taken SE-NWSu S.26. ~~At~~ The channel above (upstream) of the measurement point was rough and heavily vegetated & no measurement was possible. The open channel measurement did not include flow (from the spring in NENESu) which flows directly to the yellow (1978) house. That flow was measured separately using a 5-gallon bucket on the yard & garden spigots with all spigot running at once. The open channel measurements are attached. The 5-gallon bucket measurement found a total of 20 gal/min, not including internal use. 177

→ At domestic location

AJ CLAIM TOTAL DIVERSION RATE: 0.420 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.660 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(☒)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N(☒)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD Open Channel Discharge w/pygmy meter; 5 gal bucket SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 18 x 0.02 CFS/ACRE = .36 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 18 x DIVERSION VOL. AF/A FOR AREA 4.5 =
TOTAL DIVERSION VOLUME 81.0 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A
ACRES 18 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =
TOTAL CONSUMPTIVE USE 63.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW (☒) OR SEE ATTACHMENT ()

3 yard spigots measured on 08/31/1995, with all 3 spigots running. The first spigot was 7.8 gal/min, the second spigot was 6 gal/min, & the third was 4.4 gal/min for a total of 18.2 gal/min, or .04 cfs. Although this measurement was not taken on internal use, it appears that the spring in S.26 NENE SW 15 is capable of providing the claimed .04 cfs, some of which is

SYSTEM DESCRIPTION

A63-04485

T03N, R04W, S. 26, N $\frac{1}{2}$ SW $\frac{1}{4}$

The sources of this water right are two springs located in the east half of the NESW, s. 26. Both of the springs are located on the west side of the Deer Flat Low Line Canal. It is unknown if seepage from the canal contributes to these springs.

Spring no. 1 is located in the NENESW (Photo 1, Attachment A). A 32 inch diameter, six foot concrete culvert has been placed vertically into the ground. Static water is 5.5 ft below ground level. Two pipes at the bottom of the culvert run below ground, one (PVC) to the house in NWNWSW (yellow house, built in 1978), and one (concrete) discharges in the SWNESW, into the drainage which flows from Spring no. 2. (Photo 3 & 4, Attachment A). The PVC pipe forks before it reaches the yellow house and one branch goes southward to the white (original) house. There is no valid water right for use of spring water at the original house.

Spring no. 2 is located in the SENESW. A 12 inch concrete pipe discharges water into a natural gulch which flows directly westward in the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of s. 26 (Photos 2 & 3, Attachment A). There are two small on-stream ponds, one in the SWNESW and one in the SENWSW. These ponds appear to be used for stockwater. Spring no. 1 discharges into the channel upstream of both of the ponds. At the outlet of the lower pond a concrete headwall with gate is used to divert the water to the south (Photo 5, Attachment A) to ASCS field no. 4 (gated pipe). The main channel continues on, crossing Sunnyslope lateral, then turning north along the east edge of the recommended acres. This ditch flows in the opposite direction of the canal. The ditch ends at the north east corner of ASCS field no. 1. Siphon tubes were set on field no. 1.

In the NWSW a small ditch branches off the main ditch and runs to the west along the south edge of ASCS field no. 1. This ditch turns in a southerly direction and the water is culverted under the farm road, which in turn leads to a pipe which runs in a southerly direction along the west side of the barn which is north of the white (original) house. This pipe is connected to gated pipe which irrigates the pasture to the south of the white house (Photo 7, Attachment A).

ATTACHMENT (F)

NOTES: 01/04/1996: Domestic use, .04 cfs, for internal & external use at the house built in 1978. The domestic use with the 1937 priority was transferred to the new house when the new house was built. The original house does not have a valid water right for ~~use~~ domestic use (from the spring. ~~No. 1~~). The open channel discharge measurement found a flow of .50 cfs which is more than adequate for the 18 irrigated acres. Stock drink from the ditches, ~~from~~ + ponds.

WR RECORD CONDITIONS/REMARKS:

~~SUPPLEMENTAL RIGHT TO WILDER IRR. DIST.~~

No-per
exam page #5
KW
6/29/06

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	03-15	11-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
STOCKWATER	01-01	12-31	0.360	_____	81.0	_____	0.0	63.0
DOMESTIC	01-01	12-31	0.020	_____	_____	_____	0.0	_____
			0.040	_____	1.2	_____	0.0	_____
<u>22.2</u>	<u>03-15</u>	<u>11-15</u>		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.420	_____	82.2	_____	0.0	63.0

NON-IRRIGATION USES CLAIMED: S/5D RANGE, D/1 HOME.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REVIEWED BY: Memura

DATE: 01/04/1996

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP <u>2 houses</u>	()	(X)
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-04485

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.660

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	63-04485	0.660
TOTAL CFS						0.660

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE

FIELD
EXAMINER
Y(X) N()

NOTES:

at 01/04/1996: There has been no split of this water right. The statutory claim was for more acres but it is unclear where these acres may have been. The eastern fields may have been irrigated with spring water at one time, although the claimant's son said he had no recollection of that practice. Regardless, all of the land irrigated with the water from the springs appears to be claimed + recommended under this claim. 177

AUTHENTICATION:

SIGNATURE: [Signature] DATE: 01/04/1996
NAME OF FIELD EXAMINER: MARIA MINICUCCI TITLE: SR WATER AGENT

[Signature] 01/08/1996

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1979 ATTACHMENT (D)</u> IDWR ID NO. <u>X54</u>	Y(☒) N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ NAPP	DATE OF PHOTO <u>07/14/1987</u> IDWR ID NO. <u>X54NE</u>	Y(☐) N(☒)
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u> ATTACHMENT (C) _____	Y(☒) N(☐)
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(☐) N(☐)
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(☐) N(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(☐) N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☒ SYSTEM DESCRIPTION	DATE DRAWN <u>01/08/1996</u>	<u>1</u>	<u>Narrative. ATTACHMENT (F)</u>
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>08/31 + 09/01/1995</u>	<u>5</u>	<u>ATTACHMENT (A)</u>
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>08/31 + 09/01/1995</u>	<u>1</u>	<u>ATTACHMENT (E)</u>
☒ OTHER <u>Diagram</u>	DATE DRAWN <u>01/05/1996</u>	<u>1</u>	<u>Ditches & Irrigated areas (B)</u>
☒ OTHER <u>IDWR L Coord, replies</u>	DATE <u>07/07/1995</u> <u>08/28/1995</u> <u>09/07/1995</u> <u>10/10/1995</u> <u>10/27/1995</u>	<u>8</u>	<u>Evidence of priority, date of change, appl for 2nd dom. use.</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:53:49
08/29/95

PAGE: 14
QUICKLOOK INFORMATION

14
CLAIM NUMBER: A63-04485

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y	07/07/1995 LH	TTT 08/31/1995	Y		TTT 01/03/1996	TTT 01/08/1996	
POINT OF DIV			TTT 09/01/1995	Y (10 ⁻⁶ acre)				
SOURCE		TTT 09/07/1995		Y				
PLACE OF USE	Y	TTT 09/07/1995		N				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			N				
PURPOSES OF USE		TTT 09/07/1995		N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			Y (J)				
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE
TTT 01/08/1996

FIELD EXAM PHOTO INDEX SUMMARY

Date: 08/31/1995

Roll No.: 1

Photographer: TTWICCC

PHOTO NO.

SUBJECT

1 POD # 1 A63-04485

2	POD ⁰¹	LOCATION	IN FIELD
---	-------------------	----------	----------

3 POD#2

4 10" concrete pipe discharge into Spring #2 drainage

5 Measurement site @ Spring #2

6	Channel of spring #2	
---	----------------------	--

7	New (yellow) house	
---	--------------------	--

8 White house

9 Field 1212 w/ spring #2 + #1 run-off (not waste)

10 A63-04507 Greeter

11 | 11 POU NOT s/Rinkless. Coen down ~~th~~ to house

12 | P0D - No Power

13 POD area, Looking east

14 Ag3-28903 Springbor shed

15 | Pt where div. to ana dit/pond

16 | Pou

17 Dom well + house from SE side

18 Pressure house - inside @ $\frac{1}{2}$ HP subm. N63-05023A

19 House w/ pressure tank

20 Measurement Location

21 Spring area on dry hillside Simpson's pond in back. Looking S

22 House + backyard

23 A63-04485 Measurement location 09/01

24 Div @ lower pond

25 low from N side - Field to S of white house

26 POV Lower Field w/gated pipe

01/09



PHOTOGRAPHER AND DATE OF PHOTOS MT MINICUCCI 08/31/1995

FILE NO. A63-04485 T03N R04W S.26 NESW



①

① Spring No. 1
NENSW
Looking southward
toward 1978
house. Pipes
at bottom of
concrete culvert
go to house & the
to the channel which
flows below Spring
No. 2. The flow was
measured @ .04 cfs
at the house, &
.10 cfs at the
point it discharges
into the channel.



②

Spring No. 2.
SE NENSW
The spring is
located @ the
north end of the
gully in the $S\frac{1}{2}$
of the $N\frac{1}{2}$ SW $\frac{1}{4}$.
A 12 inch concrete
pipe discharges
directly into the
channel. The
pipe is silted
in a little
more than $\frac{1}{2}$ -way.

ATTACHMENT (A)



PHOTOGRAPHER AND DATE OF PHOTOS P. MINICCI 08/31/1995

FILE NO. A63-04485 T03N R04W S.26 NESW



③ Channel
below Spring
No. 2.



④ Discharge
pipe from Spring
No. 1 into
channel below
Spring No. 2.
Flow measured
at .016 cfs
(Av. 7.23 gpm)



PHOTOGRAPHER AND DATE OF PHOTOS 17 Minicucci 09/01/1995

FILE NO. Ab3-04485 T08N R04W S.26 NWSW



⑤ OUTLET from lower pond. Concrete head wall allows flow to proceed to ditch which turns & runs northward. Option to divert flow to the southwest (under wooden board) to gated pipe for southern-most field.



⑥ Open Channel discharge measurement location. Lower pond is located at trees on left side of photo. Ditch was somewhat trampled by livestock. Looking south.



PHOTOGRAPHER AND DATE OF PHOTOS T. J. L. INICUCCI 08/31/1995, 09/01/1995

FILE NO. A63-04485 T03N R04W S.26 NW SW



⑦

Place of use,
 $S\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$

Looking west
from east edge
of ASCS field
No. 4.

09/01/1995



⑧

⑧ Place of
use

$N\frac{1}{2}$ NWSW

ASCS field No 1

Looking southeasterly
along western
edge of field.

Domestic use for
white (original)
house is not
included in this
Recommendation.

08/31/1995



PHOTOGRAPHER AND DATE OF PHOTOS TT Minicucci 08/31/1995

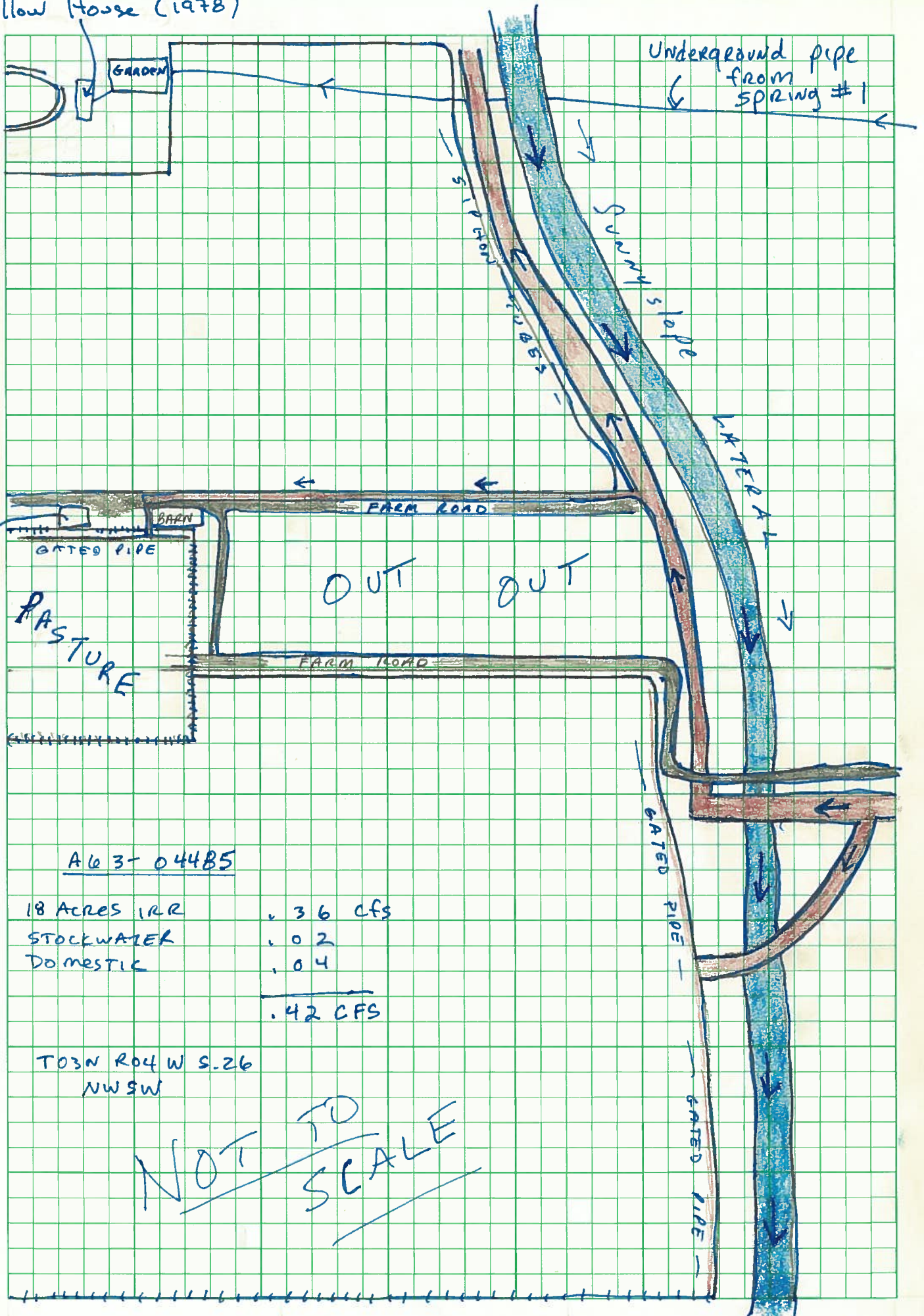
FILE NO. A63-04485 T03N R04W S.26 NW NWSW



a Place of
use- domestic.
Domestic use
was transferred
to this house
when it was
built in 1978.
Internal &
external use.
Source is
Spring No. 1
(NENESW)
only.

ATTACHMENT (A)

Yellow House (1978)



A63-04485

18 Acres IRR

STOCKWATER

DOMESTIC

.36 cfs

.02

.04

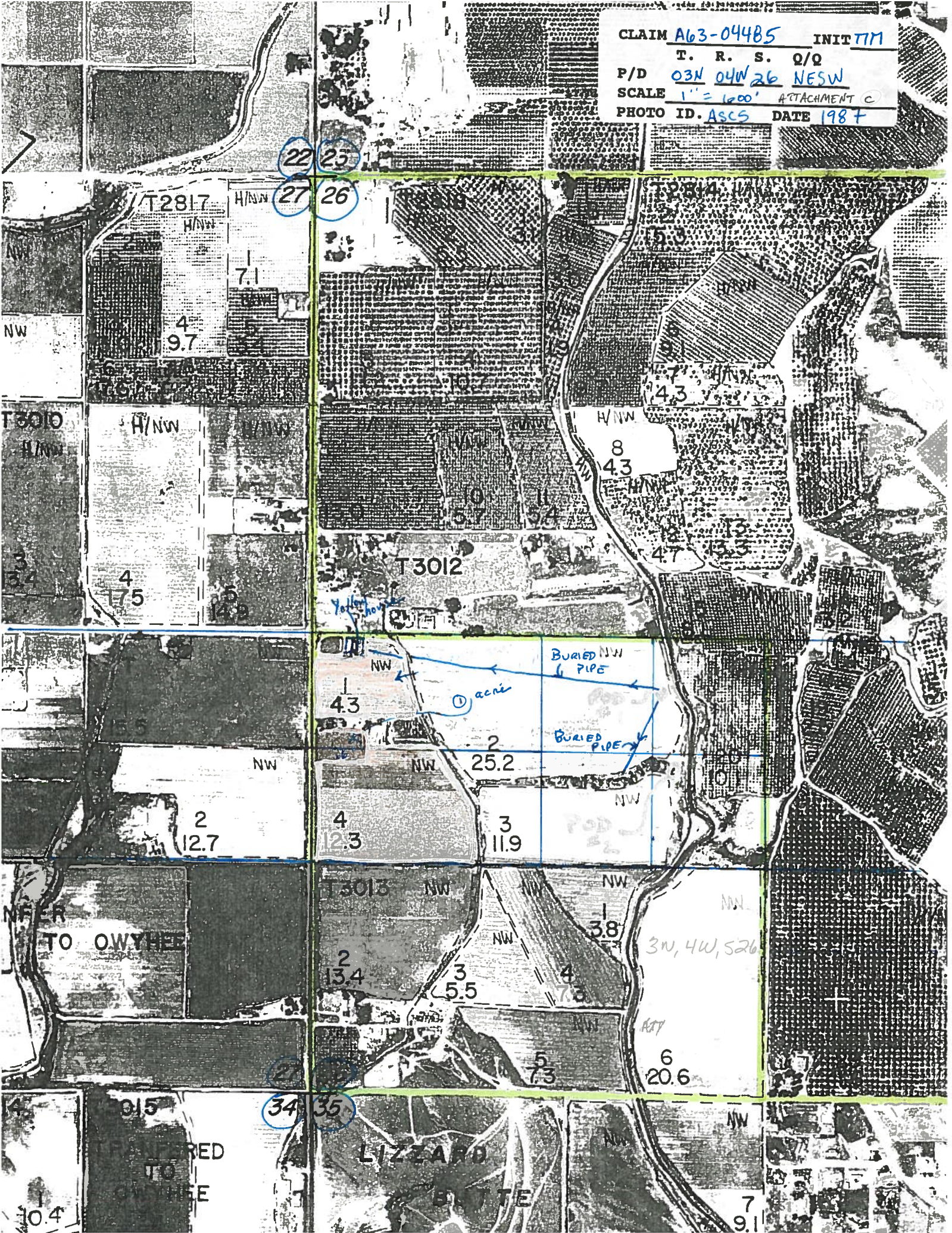
.42 CFS

T03N R04 W S.26

NW SW

ATTACHMENT (B)

CLAIM A63-04485 INIT TIM
T. R. S. Q/Q
P/D 03N 04W 26 NESW
SCALE 1" = 1600' ATTACHMENT C
PHOTO ID. ASCS DATE 1984



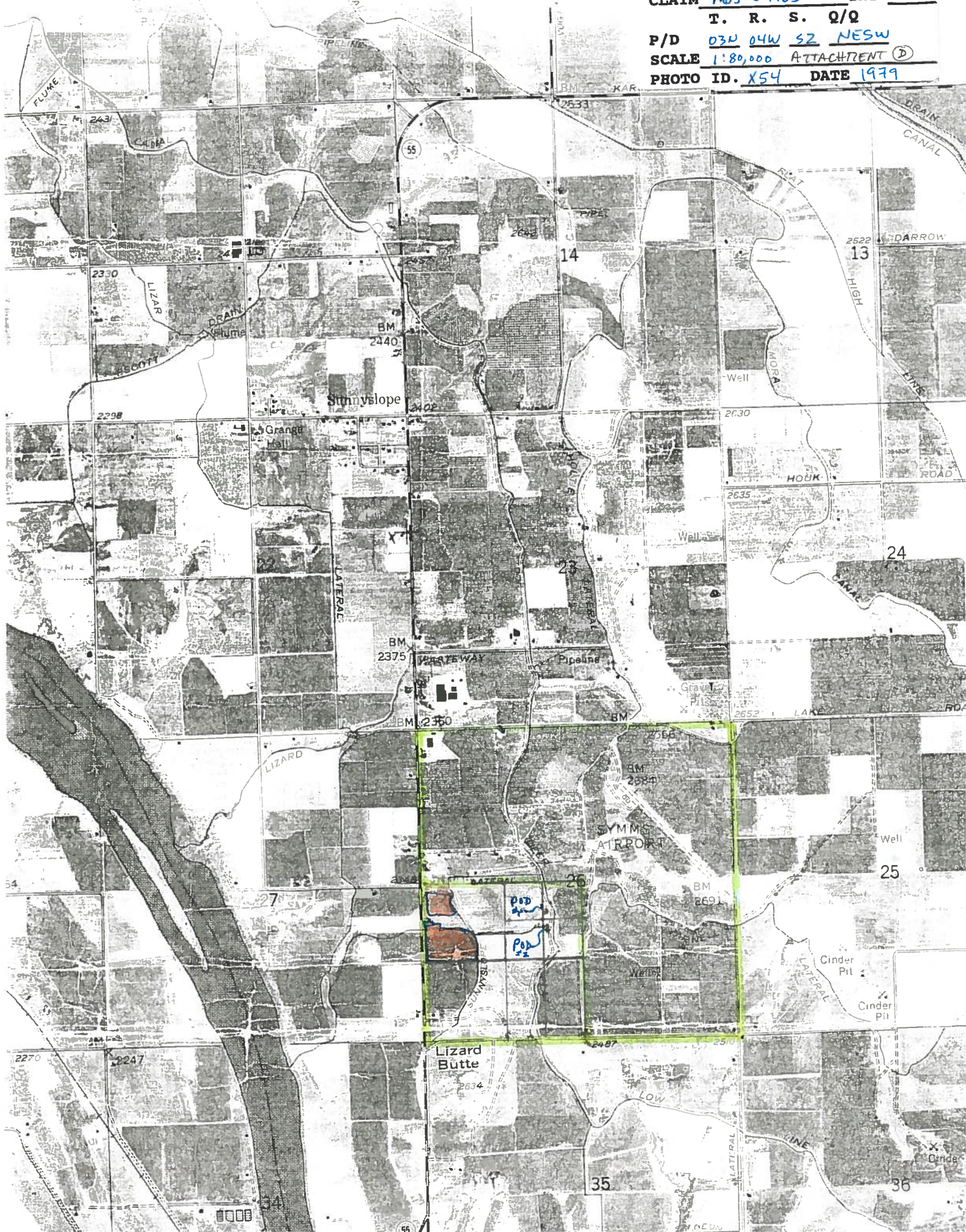
CLAIM A63-04485 INIT 177

T.	R.	S.	Q/Q
----	----	----	-----

P/D 03N 04W S2 NESW

SCALE 1:80,000 ATTACHMENT (D)

PHOTO ID. X54 DATE 1979



Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Yellow house, NB of white house
2. Location: T03N R04W S. 26 NW 30 Int After 2nd pond
3. Person conducting measurement: M. J. N. 1
4. Date and time of measurement: 09/01/1995 12:45 pm 90°F +
5. Accompanied by: _____
6. Measuring device size and ID no.: 090185
7. Spin test before measurement OK? 31.75 sec after measurement OK? 1.71N.49 sec
8. Purpose of measurement: D.V. Rate

B. MEASUREMENT DATA

LEW has been trampled by livestock - some
side seepage.

[illegible]



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

October 27, 1995

KARL J. DREHER
DIRECTOR

CLAIR H LEAVITT
JOANNE T LEAVITT
RT 1 BOX 24B
JAMESON MO 64647

RE: Notice of Claim to a Water Right No. A63-04485

Dear Mr. and Mrs. Leavitt:

This office has received your letter of October 2, 1995 which explains the ownership of your farm in Caldwell and when the second home was built. This information was necessary to evaluate the status of the water right for the newer home on the property.

At this time it appears that the water right for the new house requires an additional filing. The reason for this assessment is that according to Idaho law, the only way to establish a water right to a surface water source (streams, springs) after May 20, 1971, is to go through the application/permitting/licensing procedure. Please refer to the enclosed pamphlet "Idaho Water Rights - A Primer" for additional information.

You may choose to file an application for permit, and you also have the option of filing a separate claim in the Snake River Basin Adjudication (SRBA) for water use at the new house. The claim would be based on an expansion of the original water right. IDWR can accept this type of claim in the SRBA even though an application for permit was required at the time the water right was expanded, but their validity has not been clarified by the court. There is a possibility that at some time in the future claims of this sort will be declared invalid by the court.

You must file either an application for permit, an SRBA claim, or both, on the water right for the house built in 1978. An SRBA claim would reflect the date the house was built with a 1978 priority date, but there is no guarantee this type of claim will be successfully decreed in the SRBA. An application for permit will have a priority date of the day the application is received by this office, but will not be subject to the court's rejection. An application for permit also will cover the use of the water should the expansion claim be disallowed in the future.

Page 2.

A63-04485

Forms and instructions for both an SRBA claim and an application for permit are enclosed with this letter. Please do not hesitate to contact this office with any questions or comments you may have.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci', written in dark ink.

Maria Minicucci

Sr. Water Agent, Adjudication Bureau

MM:m

Enc: SRBA domestic/stock claim form and instructions
Application for permit and instructions

cc: David Leavitt, Caldwell, Idaho

RECEIVED

OCT 10 1995

WATER RESOURCES
WESTERN REGION

Jameson, Missouri
October 2, 1995

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RE: Notice of claim to a Water Right No. A63-04485

Dear Sirs:

In answer to your second letter dated 7 September 1995, we are submitting this additional information:

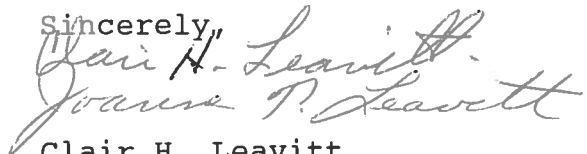
1. We still own the farm and original house that we purchased from Mr. and Mrs. Floyd Maggard. The contract show the purchase date to be September 18, 1975. It was notarized by Sandra Fritzley, Owyhee County, Idaho.

2. The new home (Yellow House) was completed in 1978. The contract with First Mortgage Company of Idaho shows a completion date of November 13, 1978. This contract was notarized by Debbie L. Weeks, Canyon County, Idaho.

If you need further information or proof of ownership, dates, etc., please contact the Canyon County Assessors Office or Canyon County Tax Collectors Office. Zelda Nicholes is the Canyon County Tax Collector. We have paid and are still paying taxes on each of the above places, which should certainly be enough proof of ownership.

We hope this additional information, along with the written statement by Clair Leavitt will be sufficient to take care of this matter. Thank you,

Sincerely,



Clair H. Leavitt
Joanne T. Leavitt
Rt. 1, Box 24 B
Jameson, MO 64647

Enc: Copy of statement dated 08/28/1995

RECEIVED

OCT 10 1995

WATER RESOURCES
WESTERN REGION

cc: David Leavitt
13472 Sunnyslope Rd.
Caldwell, Idaho 83605

Clair H. Leavitt

Joanne T. Leavitt

(Signature)

Subscribed and sworn to before me this

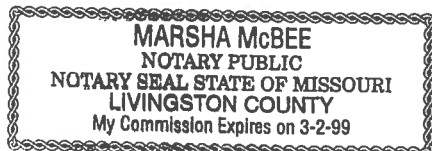
day 3 of October, 1995.

Marsha M. Bee

(Notary Public)

Residing at Chillicothe, Mo.

My Commission Expires March 2, 1999.



State of Idaho)
County of Canyon)

AFFIDAVIT

RECEIVED

AUG 28 1995

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 10 1995

**WATER RESOURCES
WESTERN REGION**

Clair H. Leavitt

being first duly sworn,

deposes and says: I have used the water as stated at the time I ~~used~~ filed for water rights since 1975. The previous owner, Mr. Floyd Maggard for approx 30 years prior to 1975. He stated these springs started flowing in the 1930's. The water from these springs have been utilized on this property since that time. I purchased this property from Mr Maggard in 1975 & filed for water rights soon after that time. My wife & I are presently in Missouri serving an 18 month mission for the LDS Church & will be home in July 1996. If you need to make an on-site inspection, please contact my son, David Leavitt, 13472 Sunnyslope Rd., Caldwell, Id. 83605; or call him at 459-6535.

My present address is:

Clair H. Leavitt
Rt. 1, Box 24B
Jameson, MO 64647

Clair H. Leavitt

Clair H. Learitt
(Signature)

(Signature)

Subscribed and sworn to before me this
day 3rd of October, 1995.

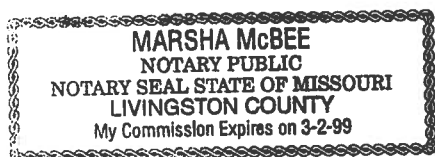
Marsha Mc Bee

(Notary Public)

Residing at Chillicothe, Mo.

My Commission Expires 3/2/99

SEAL





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 7, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CLAIR H LEAVITT
JOANNE T LEAVITT
RT 1 BOX 24B
JAMESON MO 64647

RE: Notice of Claim to a Water Right No. A63-04485

RESPONSE DATE: OCTOBER 9, 1995

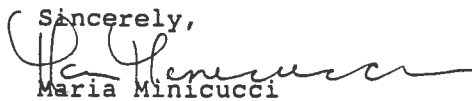
Dear Mr. and Mrs. Leavitt:

Thank you for your prompt response to IDWR's request for documentation of your water right. Field exams were conducted on August 31 and September 1, 1995. At that time it was found that two homes are served by one of the springs. You have claimed one home, indicating that a new home has been built since 1977 when you filed the original statutory claim. At this time IDWR requires the exact date the new home was built and some evidence to support that date. IDWR also requests information on the current ownership of the original house. In order to recommend the water right correctly, it must be determined if you still own the original house.

In regard to the statement that you submitted in support of the claimed priority date, although a notarized signature is not a requirement, it does strengthen the document for the court. IDWR requests that you submit a statement complete with your notarized signature. Enclosed is a copy of the original statement that you submitted to this office for your reference.

Please respond by the Response Date at the top of this letter. If no response to this letter is received, your water right may not be recommended to the court as claimed.

If you have any questions or need assistance, please do not hesitate to contact this office.

Sincerely,

Maria Minicucci

Sr. Water Agent, Adjudication Bureau

MM:m

Enc: Copy of statement rec'd 08/28/1995

cc: David Leavitt, Caldwell ID

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A63-04485)
_____)
_____)
_____)
State of Idaho)
County of Canyon)

AFFIDAVIT

RECEIVED

AUG 28 1995

WATER RESOURCES
WESTERN REGION

Clair H. Leavitt being first duly sworn,
deposes and says: I have use the water as stated at the
time I ~~used~~ filed for water rights since 1975. The previous owner,
Mr. Floyd Maggard for approx 30 years prior to 1975.
He stated those springs started flowing in the 1930's.
The water from those springs have been utilized on
this property since that time. I purchased this property
from Mr Maggard in 1975 & filed for water rights soon
after that time. My wife & I are presently in Missouri
serving an 18 month mission for the LDS Church & will
be home in July 1996. If you need to make an on-site
inspection, please contact my son, David Leavitt, 13472
Sunnyslope Rd., Caldwell, Id. 83605; or call him at
459-6535.

My present address is:

Clair H. Leavitt
Rt. 1, Box 24B
Jameson, MO 64647

Clair H. Leavitt
(Signature)

Subscribed and sworn to before me this
day _____ of _____, 19____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.



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

A63-04485
CLAIR H LEAVITT
JOANNE T LEAVITT
13472 SUNNYSLOPE RD
CALDWELL ID 83605

Re: Claim No(s). A63-04485

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