

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: A78-04083
Date Received: 5/11/1989
Receipt No: C006726
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL O LEARY 208-628-3496
Address: P.O. BOX 448
PARMA, ID 83660
AND
Name: DELMA O LEARY 208-628-3496
Address: P.O. BOX 448
PARMA, ID 83660
2. Date of Priority: MAY 15, 1962
3. Source: HAZARD CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	01E	2	SW	SW	SE		IDAHO
5. Description of diverting works:
1.5 HP PUMP, PIPELINE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	04/15	10/15	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC LAWN SPRINKLING

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	01E	2	SW SE		DOMEST	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

UNCLAIMED 78-07092 FOR HOUSE USE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME O'Leary CLAIM IDENT. NO. A78-04083DATE RECEIVED 5-11-89 CK # Cash AMOUNT \$ 25

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: [Signature] Date: 5-11-89Claim must be returned to claimant: (Yes) / (No)Claimant must be notified of modifications: (Yes) / (No)Receipt Prepared by: [Signature]
Claim data entered by: [Signature]
Sent to claimant by: [Signature]Date: 5-11-89
Date: 5-11-89
Date: 5-11-89Checked by: [Signature] Date: 5-11-89Comments: Late Fee \$50 From Rec't C005970.Claim of 78-07092 Deferred.MICROFILMED
OCT 06 1992

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

Date Received

Receipt Number

78-4083

5-11-89

0006726

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

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

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Michael And Delma O'Leary Phone (208) 628-3496Mailing Address Box 448 Parma, ID Zip 836602. Date of Priority (Only one (1) per claim) 5/15/19623. Source of water supply (a) HAZARD CREEK
which is tributary to (b) LITTLE SALMON RIVER4. Location of point of diversion is: Township 21N Range 1ESection 2, SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,County of IDAHOAdditional points of diversion if any: NONE5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 1.5 hp Pumps to House AND
FOR IRRIGATION - 1/2 ACRE YARD.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For Domestic purposes from 4/15 to 10/15 amount .02 cfs
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .02 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) ~ 1/4 Domestic lawn Sprinkling

Copies: White-State, Yellow-Claimant

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
21N	1E	2															X	

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

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: License 78-7092 from spring is for domestic use

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

If applicable provide IDWR Water Right Number 78-4083
Court Case Number Decree Date
Plaintiff vs Defendant

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments

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

Signature of Claimant (s) Michael J. O'Leary Date 3-16-89

Delma Joy O'Leary Date 3-16-89

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization _____

document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of CANYON) SS.

Subscribed and sworn (or affirmed) before me this 16th day of MARCH 19 89

SEAL

Notary Public Arne Exodi

Residing at Palma, ID

My Commission Expires 12-3-92

Last Name OLEARY Ident No. 78-4083

Copies White-State, Yellow-Claimant

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Michael & Delma O'Leary

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Hydrier Farms CLAIM IDENT. NO. A 7809083

DATE RECEIVED 3/22/89 CK # 8098 AMOUNT \$ 50.00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered? Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	*
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☒	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☒	
Is the consumptive use correct?	☒	☒	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☐	☒	*
20. Is the fee enclosed correct?	☐	☒	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be receipted and data entered?	☐	☒	

Claim checked by: Bruce A. Schup Date: _____

Claim must be returned to claimant: ☒ (Yes) ☐ (No)

Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Checked by: MICROFILMED Date: _____

Comments: Date Improper Form When Less than 0.04 than License

of 0.04

OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

~~FOR SERVICE REQUESTED~~

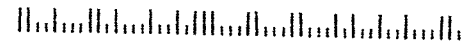
IMPORTANT WATER RIGHT INFORMATION

78-04083
MICHAEL O LEARY
DELMA O LEARY
PO BOX 448
PARMA ID 83660

RECEIVED

MAR 11 1999

Department of Water Resources





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

78-04083
MICHAEL O LEARY
DELMA O LEARY
PO BOX 448
PARMA ID 83660

RE: Domestic and/or Stockwater Rights in Reporting Area 24, Basin 78
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 78 (the Little Salmon River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 78 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Burley, Gooding, Jerome, Mountain Home, Twin Falls, Murphy, Boise, Caldwell, Payette, Weiser, Council, Grangeville, Lewiston, Nezperce, Cascade, Salmon, Challis, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ0749NP
No. R78-04083

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

DATE: 02/18/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAEL O LEARY	05/15/1962	DOMESTIC	04-15 10-15	0.02 CFS	
C	DELMA O LEARY					
	PO BOX 448			TOTAL DIVERSION:	0.02 CFS	
	PARMA ID 83660					
	(208) 628-3496					

Water Source: HAZARD CREEK

Tributary to: LITTLE SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T21N R01E S02 SWSWE

IDAHO County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE																			
T		R		S		:		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		:		Lt		Ac		Lt		Ac		:	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
21N	01E	2	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		

POU County: IDAHO

Other Rights: UNCLAIMED 78-07092 FOR HOUSE USE.

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: USE DOMESTIC USE FOR LAWN & GARDEN.

EXP PARCEL NO. RP 21N01E028600

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 02/18/99 LHARRIS

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-13-1998

PAGE: A-40

RIGHT NUMBER: 78-04083

NAME & ADDRESS:

MICHAEL O LEARY

Michael F.?

DELMA O LEARY

PO BOX 448

524

~~PARMA ID 83660~~

Fruitland 83619

SOURCE:

HAZARD CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY:

0.02 CFS

PRIORITY DATE:

05/15/1962

POINT OF DIVERSION:

T21N R01E S02

SWSWSE

Within IDAHO County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

DOMESTIC DOMESTIC LAWN SPRINKLING

2 mps

PERIOD OF USE

04-15 10-15

QUANTITY

0.02 CFS

PLACE OF USE:

DOMESTIC

T21N R01E S02

Within IDAHO County

SWSE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP21N01E02 8600 = SWSESE

02 03/16-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

April 21, 1998

KARL J. DREHER
DIRECTOR

MICHAEL O LEARY
DELMA O LEARY
PO BOX 524
FRUITLAND ID 83619

06-04-98-
response.
ms

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #A78-04083
Change of Address

Dear Claimants:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter. Please return the letter by May 14, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

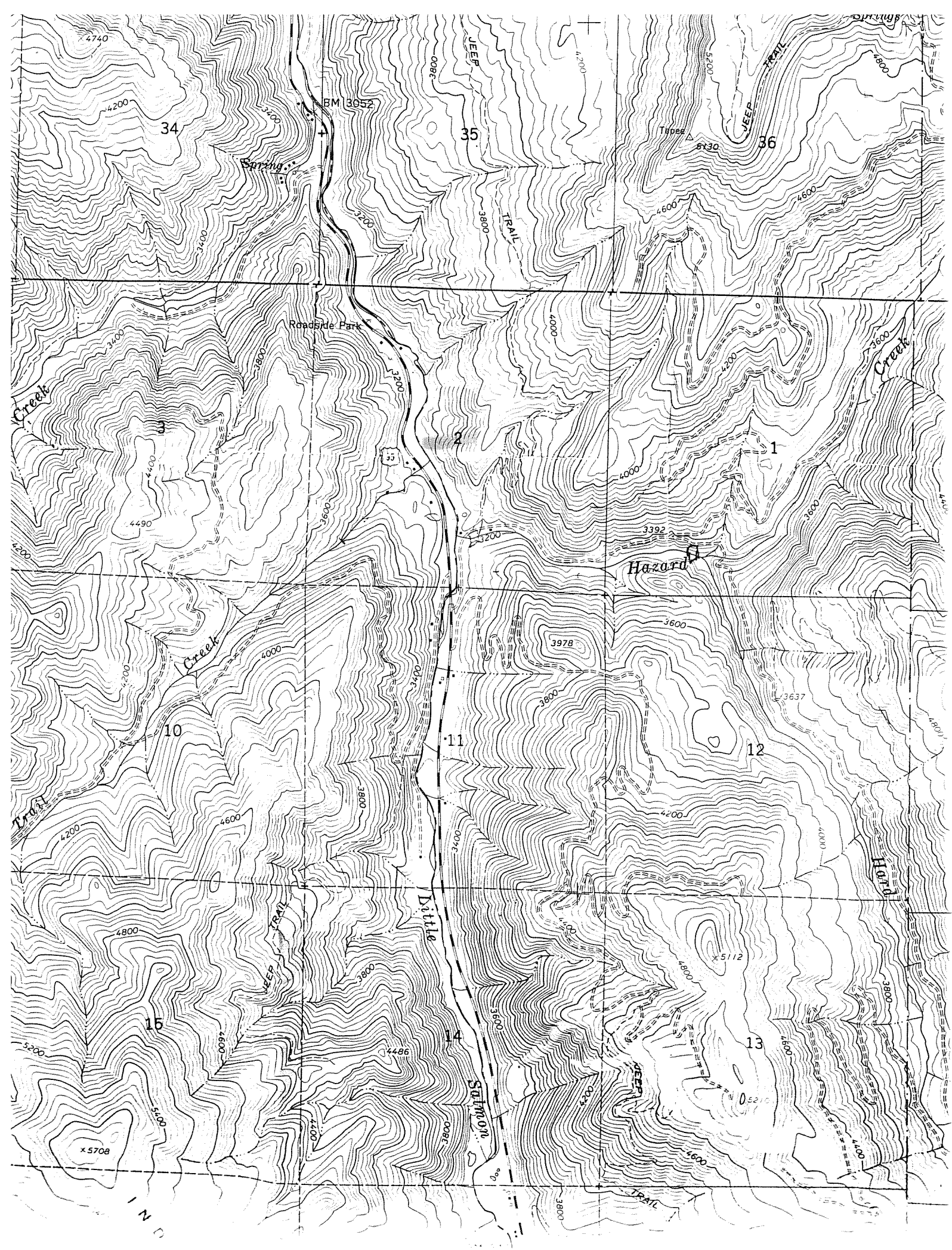
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 19, 1989

Mr. and Mrs. Michael O'Leary
Skyline Farms
Box 448
Parma, Idaho 83660

RE: Snake River Basin Adjudication
Claims on License #78-4083 & #78-7092 - Idaho County

Dear Mr. & Mrs. O'Leary:

We are returning your Notices of Claims to a Water Rights filed for your property in Idaho County and your Receipt #C005970 in the amount of \$50.00. We have noted some problems with your claim which we would like you to correct.

The form you have used for your adjudication claim numbered #78-04083 is limited to single family domestic water rights. Your claim is for irrigation purposes. The fee for an irrigation claim would be \$50.00 plus \$1.00 per acre; in this case \$51.00. The enclosed Notice of Claim with black ink should be filled out, signed, notarized and submitted with an additional \$26.00 filing fee, plus a \$50.00 late fee explained below. Let me say, a domestic water right by definition includes irrigation of up to 1/2 acre. If this fits your water right, you may want to change your initial claim back to domestic which has the \$25.00 fee.

Furthermore, on January 17, 1989, Judge Hurlbutt signed an order allowing the deferral of filing domestic and stockwater claims. We have enclosed an information sheet which explains how this decision affects your water right. If, after reading the enclosed information, you decide to defer filing the domestic claim, you should request a refund of your filing fee. Please keep all of these documents in your records. However, if you do wish to continue with this filing, please resubmit the Notice of Claim with a \$50.00 late fee and additional filing if you claim the irrigation on Claim #78-04083.

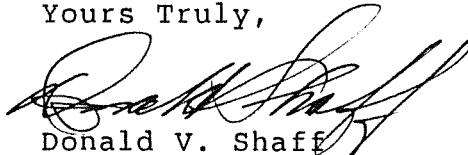
MICROFILMED
OCT 06 1992

Mr. and Mrs. Michael O'Leary
Skyline Farms
Page 2
April 19, 1989

Your Notices of Claim forms were postmarked after the filing deadline for Idaho County. This deadline was noted on the Commencement Notice you received and was July 27, 1988. The statutes governing the adjudication provide that late fees be assessed to encourage prompt filing of the Notices of Claims. Idaho Code §42-1409(8) sets these fees at \$50.00 per claim or 15% whichever is greater. The combined late fees applicable to your claims would be \$100.00. If you feel you have a compelling reason for not complying with this deadline you may request an Extension of Time and waiver of the fees. I have enclosed a form for your possible use in this matter. We will suspend for 30 days the processing of your claim until the late fees are paid or waived. The claims will be returned and a refund of the fees paid under Receipt #C005970, will be started after 30 days unless an extension is filed or late fees are paid as set forth above.

Please return the documents to this office at the attention of Bruce Schuld. Do not hesitate to contact this office if you have any questions or concerns.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:BAS:mcc:mcc

Enclosures:

Receipt #C005970
Request for Extension
D & S Pamphlet
Long Form w/Instructions
Notices of Claims (2)

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