

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: A63-26913
Date Received: 3/15/1990
Receipt No: W011413
Received By: _____

*Rec'd from
So 6-19-92*

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: BLACKER APPLIANCE & FURNITURE INC 208-459-6079
Address: 19128 WAGNER RD
CALDWELL ID 83605

2. Date of Priority: JUL 1, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	03W	36	SE	SE	SW		CANYON

5. Description of diverting works:
150'X4" WELL WITH 1HP JET PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RESTROOMS FOR 36 EMPLOYEES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	03W	36	SE	SW		DOMEST	
			SE	SW		COMMER	

A63-26913

Page 1

Date: 06/17/92

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SEP 15 1992

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 AC 3-26913Date Received 3-16-90 3/5Receipt Number W011413

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 16 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Blacket Appliances & Furniture Phone (208) 459-6079Mailing Address 19128 Wagner Rd Caldwell, Ida Zip 836052. Date of Priority (Only one (1) per claim) 7/1/19603. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 3W Section 36,
SE 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

hand casing, 150ft
deep, 1 HP jet pump - use for rest rooms
& general use in a furniture store.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1/1 to 12/31 amount .02 or _____

For Domestic purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Restroom for 36 employees.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
<u>4N</u>	<u>3W</u>	<u>36</u>											<u>D</u>						

Total number of acres irrigated ✓

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

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

14. Remarks:

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SEP 15 1992

Last Name Black Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

SEP 15 1992

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 ☒ 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) _____ Date _____
_____ Date _____

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

of Blocker Appliance & Furniture Inc. , that I have signed the foregoing
Organization
document in the space below as _____ Pres. _____ of Blocker Appliance & Furniture Inc.
Title Organization

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

Signature of Authorized Agent James Blocker, President

Title and Organization Pres. Blocker Appliance & Furniture Inc. Date 3/15/90

State of Idaho/or Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 15 day of March 19 90

SEAL

Notary Public John R. Moyer

Residing at 15470 Homedale Rd
One Inlet, Ida 83605

My Commission Expires Sept 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

SEP 15 1992

Last Name Blocker Ident. Number _____

Copies White-State, Yellow-Claimant

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME Black Apple Lane & Furniture

CLAIM IDENT. NO. AG-26913

DATE RECEIVED 3-16-90 ^{P.M.} 3:15 RECEIPT # W011413 AMOUNT \$ 81.00

Required
Info?

- | | YES | NO | Required Info? |
|--|----------|-----|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | ___ | * |
| 2. Is a priority date entered? | <u>X</u> | ___ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | ___ | * |
| 3. (a) Is a source entered? | <u>X</u> | ___ | * |
| (b) Is a tributary to entered? (if required) N/A <u>X</u> | ___ | ___ | ___ |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | ___ | * |
| 5. Is there a description of the diverting works? | <u>X</u> | ___ | ___ |
| 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 | <u>X</u> | ___ | * |
| Is the period of use included? | <u>X</u> | ___ | ___ |
| Is a quantity claimed for each use? | <u>X</u> | ___ | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | ___ | ___ |
| 8. If required is a consumptive use entered? N/A <u>X</u> | ___ | ___ | ___ |
| Is the consumptive use correct? N/A <u>X</u> | ___ | ___ | ___ |
| 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 owner-
ship must be stated. If not under single ownership, see
Adjudication Memo # 4 N/A <u>X</u> | ___ | ___ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | ___ | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | ___ | ___ |
| 12. Is the ownership of p.u. checked? | <u>X</u> | ___ | ___ |
| 13. Are other water rights listed or "none" indicated?
(See Item No.'s 16 & 17 for checking other water rights) | <u>X</u> | ___ | ___ |
| 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.) N/A <u>X</u> | ___ | ___ | ___ |
| 15. Is the basis of the claim indicated? | <u>X</u> | ___ | ___ |
| 16. If the basis of claim is shown as license, permit, or decree is
the existing water rt. no. listed? N/A <u>X</u>
(Compare claim with the existing water rt. and either attach
a proof report or state in comments that the existing right
was compared to the claim) | ___ | ___ | * |
| 17. If the basis of claim is shown as beneficial use, or not marked,
are there existing water rights shown in our records using the
legal desc. or name on the claim? N/A <u>X</u>
(If yes, describe the right in "Comments" and attach a proof
report) NOTE: If the claim is for dom/stock this check is not
as necessary unless it is located within an area where dom/stock
rights were decreed. <i>no commercial</i> | ___ | ___ | ___ |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) N/A <u>X</u> | ___ | ___ | ___ |
| 19. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | <u>X</u> | ___ | ___ |
| 20. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | ___ | ___ |
| 21. Was this claim filed on time, or was an extension granted? | <u>X</u> | ___ | ___ |
| 22. Is the fee enclosed correct? Exempt <u>X</u> | ___ | ___ | ___ |

MICROFILMED
SEP 15 1992

NO

Date 6-5-92

Date 6-17-9

____ (Yes) X (No)

Claimant is being notified of modifications: (Yes) X (No)

Comments:

05/07/2006

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

RIGHT NUMBER: 63-26913

NAME AND ADDRESS: BLACKER APPLIANCE & FURNITURE INC
19128 WAGNER RD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
0.270 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 07/01/1960

POINT OF DIVERSION:

T04N R03W S36 SESESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.020 CFS
		0.27 AFY
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 trailer.		

PLACE OF USE: COMMERCIAL Within CANYON County

T04N R03W S36 SESW

DOMESTIC Within CANYON County

T04N R03W S36 SESW

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.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Commercial use is in a business.

PARCEL NOS: a portion of R3589300000 & R3586400000.

Idaho Department of Water Resources



36

**T04N, R03W,
SEC 36**

Claim No: 63-26913

Prepared By: Kimberly Brown

Date: May 7, 2006



Place of Use



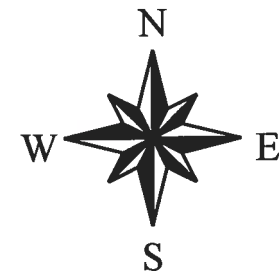
Section Lines



1/4 1/4



Point of Diversion



0 0.09 Miles

1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-26913

WATER RIGHT NUMBER: 63-26913 ✓

Property Address:5023 E. Cleveland Blvd
CaldwellOwner Type

Current Owner

Name and Address

BLACKER APPLIANCE & FURNITURE INC ✓
19128 WAGNER RD
CALDWELL, ID 83605
(208)459-6079

Current Owner:

Cleveland LLC

5023 E. Cleveland Blvd
Caldwell

Priority Date: 07/01/1960 ✓

Basis: Beneficial Use ✓

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

COMMERCIAL ✓

DOMESTIC ✓

From To

1/01 to 12/31 ✓

1/01 to 12/31 ✓

Diversion Rate

0.020 CFS ✓

0.040 CFS ✓

Total Diversion:

0.060 CFS ✓

Annual Volume

0.27 AFA

0.27 AFA

← theoretical

Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

SE1/4SE1/4SW1/4 ✓

Sec. 36, Twp 04N, Rge 03W, B.M. ✓

Place of Use

COMMERCIAL ✓

*nothing in file to indicate location of well.
(no map) & unable to contact current owner

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	03W	36	NE	NW	SW	SE	

DOMESTIC ✓ (trailer for manager/janitor, w/ lawn)

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	03W	36	NE	NW	SW	SE	

ADD - Commercial use is in a business.

Conditions of Approval:

ADD N10 & N12 - domestic use

Remarks:

ADD X01 - Domestic use is for 1 house trailer

a portion of R3586400000 (8.5 AC)

Parcel No: R3589300000. (2.39-2.4 AC)

(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 \$56.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in S36
- ☒ 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 completeClaim No(s) A63-26913Owner: Blacker Appliance & Furniture Phone No. 459-6079Current Address: 19128 Wagner Rd., Caldwell former owner, Jim Blacker's home address☐ No change NAME IS THE SAME☒ NEW OWNER Cleveland LLC☐ No change Address☒ NEW ADDRESS 5023 E. Cleveland Blvd., Caldwell☐ How long owned property? Jim Blacker sold business approximately 2-3 years agoAccompanied 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: 7/1/1960

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

According to a telephone conversation with the previous owner, Jim Blacker, the store was built in 1960 and the well has been used since then (see Conversation Memorandum, 4/11/06).

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? _____

* nothing in the file indicates the location of the well (no maps), so its location on the shapefile is an estimate.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

150' deep well, 4" casing with
1HP jet pump

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

** see Non-Irrigation Water Requirements sheet in file*

☐ No change

☐ Different Uses

Use Commercial From _____ To _____ Amount _____ CFS 0.27 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

35 employees/public $\times$ 7 gpd/person $\times$ 357 days/yr. = 87,465 / 325,850 =

TOTAL VOLUME – Groundwater only 325,850

☒ Incomplete on claim, the total is, Amount _____ CFS 0.27 AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

= 0.268 AFA
 $\Rightarrow$ 0.271

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes 1 trailer with 1/2 AC of lawn 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	

Overlap with other water rights: (+) Pioneer Irr. Dist.

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

no overlap with Pioneer Irr. Dist.

Delivery System Narrative: Unknown

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: See Theoretical Pump Flow Calculation in file

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

5.5.06 -

I am having difficulty contacting the current owners for any further information - even though the 2005 Canyon County Personal Property Inquiry lists this business as: Blacker Appliance & Furniture Inc. (see file) there is no such listing in the 2006 DEX telephone directory or the 2005 Impact Canyon County telephone directory and also no appliance or furniture (etc) listing for

5023 E. Cleveland Blvd.,
Caldwell

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: 5.7.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \frac{1}{.70} \quad (\text{Usually } 70\%)$$

Lift: (Static Level + Assumed Draw down)

$$\text{Static Water Level} = \frac{6}{\text{ft.}}$$

$$\text{Assumed Draw down} = + \frac{40}{\text{ft.}}$$

$$\text{Lift} = \frac{46}{\text{ft.}}$$

estimated from well log in area

OR

$$\text{Measured Dynamic Water Level} = \frac{\text{---}}{\text{ft.}}$$

$$psi = \text{Operating Pressure} = \frac{.70}{\text{psi}}$$

$$Q_{cfs} = \left[\frac{1}{Hp} \times 8.814 \times \frac{.7}{cft} \right] \div \left[\frac{46}{Lift} + \left(\frac{20}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{6.1698}{\text{---}} \right] \div \left[\frac{92.16}{\text{---}} \right]$$

$$Q_{cfs} = \frac{0.06}{\text{cfs}}$$

Draw Down?

PERMIT NO. 63-26913

Claim

NON- IRRIGATION WATER REQUIREMENTS :

GAL/DAY -

Livestock (per animal):

Cattle (range)	12
Cattle (dairy)	35
Goat	2
Hog	4
Horse	12
Mule	12
Sheep	2

Chickens (per 100)	5-10
Turkeys (per 100)	10-18

Motels:

With bath, toilet & kitchen facilities (per bed)	50
With bed & toilet (per bed)	40

Parks:

Overnight with flush toilets (per camper)	25
Trailers with individual bath units (per camper)	50

Picnic:

With bathhouses, showers & flush toilets (per picnicker)	20
With toilet facilities only (per picnicker)	10

Restaurants:

With toilet facilities (per patron)	7-10
Without toilet facilities (per patron)	3
With bars & cocktail lounge (additional per patron)	2

accounts for kitchen facilities

Schools:

Boarding (per pupil)	75-100
Day with cafeteria, gyms & showers (per pupil)	25
Day with cafeteria, no gyms or showers (per pupil)	20
Day without cafeteria, gym or showers (per pupil)	15

Service stations (per vehicle)	10	<i>wash trucks</i>
--------------------------------	----	--------------------

Stores (per toilet room)	400
--------------------------	-----

Swimming pools (per swimmer)	10
------------------------------	----

Theaters:

Drive-in (per car space)	5
Movie (per auditorium seat)	5

Workers:

Construction (per person/shift)	50
Day (per person/shift)	15

Date 4/7/00 Sig. B. Contor

Claim

Doc Source LDWR Field
Exambers Handbook

PERSONAL PROPERTY INQUIRY									
01 7P60389-000- -0 001-00 FIRE- FLOOD- REAP 97 APPR KSG									
NAMES									
BLACKER APPLIANCE & FURNITURE									
VALUES									
59 3,122									
68 42,549									
MAILING ADDRESS									
71 12,316									
72 1,130									
5023 E CLEVELAND BLVD									
CALDWELL ID 83605									
36-4N-3W SW 7R35893-000- -0									
5023 E CLEVELAND BLVD CA + TOTAL 59,117									
STATUS- COMB N TRAN N DEL N FARM N DECL Y INDUST N PPD N									
PRIOR ACCOUNT 6P60389-000- -0 PARCEL 7PC4N3W3660342 HOMEOWNERS ? NO									

overlap review -

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26911

WATER RIGHT NUMBER: 63-26911

Owner Type Name and Address
Current Owner SHERIE BLACKER
 19128 WAGNER RD
 CALDWELL, ID 83605
 (208)459-6079
Current Owner JAMES BLACKER
 19128 WAGNER RD
 CALDWELL, ID 83605
 (208)459-6079

no overlap -
S29
separate Pou

Priority Date: 07/01/1967

Basis: Decreed

Status: Active

Source Tributary
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 NW1/4SW1/4SW1/4 Sec. 29, 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	29												X					

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. PARCEL NO. 1R25474-000-0 PROPERTY ALSO KNOWN AS LOT 3, BLK 16, PLEASANT RIDGE SUB. #2.
3. 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.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26911

Remarks:

Comments:

1. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-26913

03/24/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2114	Claim	04N	03W	36	SE	SW		IRRIGATION	20/1000	PIONEER IRRIGATION DISTRICT
2114	Water Right	04N	03W	36	SE	SW		IRRIGATION	20/1000	PIONEER IRRIGATION DISTRICT
2276	Water Right	04N	03W	36	SE	SW		IRRIGATION		PIONEER IRRIGATION DISTRICT
~~26913~~	~~Claim~~	~~04N~~	~~03W~~	~~36~~	~~SE~~	~~SW~~		~~COMMERCIAL~~		~~BLACKER APPLIANCE & FURNITURE IN~~
~~26913~~	~~Claim~~	~~04N~~	~~03W~~	~~36~~	~~SE~~	~~SW~~		~~DOMESTIC~~		~~BLACKER APPLIANCE & FURNITURE IN~~

Receipt Details for ID W011413

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/19/1990 2:51:24 PM	3/19/1990	Western	\$81.00	Check
Payer	BLACKER'S			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
31192			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$81.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	26911 Domestic	X	\$56.00	Claim
63	26913 Commercial		\$25.00	Claim

← transversed

Print Report

Claim 43-19915

Water Right 63-26913

RECEIVED

APR 17 2006

WATER RESOURCES
WESTERN REGION

COMMERCIAL USE VOLUME

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report #63-26913**.

Type of Establishment: (example – camp, church, country club, bar/lounge, boardinghouse, factory, motel, highway rest area, hospital, laundry, office, park, restaurant, school, service station, theater)

Retail Store + Warehouse

Bldg Sits on 3 1/2 Acres
Address 5023 E. Cleveland, Caldwell, Id

Type of Facilities: (example: kitchen facility/cafeteria, lavatory facilities, shower(s), bath(s), sink(s), trailers, flush toilets)

[Lavatory facility, Kitchen Sink, Trailer]
Commercial use Domestic use

Number of Fixtures: (example: number of flush toilets, number of bathtubs, number of bathroom/kitchen sinks, number of showers, etc.)

[3 toilets, 2 Kitchen Sinks] [1 Trailer with Kitchen + 1 toilet]
Commercial use Domestic use

How many employees (and/or public individuals) per day use each of the facilities your commercial use is based upon?

35

How many hours per day is the facility open for this specific use?

10 - Closed Sunday

How many days per week is the facility open for this use?

6 - Days

Is this facility open year round? ☒ Yes ☐ No

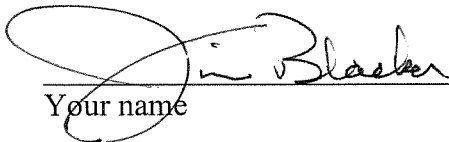
If not, please indicate the length of time the facility is open during the year.

****** Most businesses have a good idea of how many gallons of water per day they use. If this is true in your case, please indicate how many **total gallons of water you use** for the commercial purposes explained above:

?

Additional information you feel may be pertinent:

Sold business 2-years ago. Bldg. is not shut, trailer
is still in use -


Your name

336-6099
Business telephone number

Please return to:

ATTN: Kimberly Brown
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-26913

WATER RIGHT NUMBER: 63-26913

Owner Type

Current Owner

Name and Address

BLACKER APPLIANCE & FURNITURE INC

~~19128 WAGNER RD~~

CALDWELL, ID 83605

(208)459-6079

5023 E. Cleveland Blvd.

Priority Date: 07/01/1960

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

COMMERCIAL

DOMESTIC

From To

1/01 to 12/31

1/01 to 12/31

Diversion Rate

0.020 CFS

0.040 CFS

Annual VolumeTotal Diversion: 0.060 CFSLocation of Point(s) of Diversion

GROUND WATER

CANYON County

SE1/4SE1/4SW1/4

Sec. 36, Twp 04N, Rge 03W, B.M.

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	03W	36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
														X					

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	03W	36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
														X					

Conditions of Approval:Remarks:

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-26913
Evidence of Priority and Commercial Use Volume**

April 11, 2006

After receiving the evidence of priority and commercial use volume requests sent to: 19128 Wagner Rd., Caldwell; Jim Blacker called me. Mr. Blacker said that his old residence was once 19128 Wagner Rd., however he somehow received the evidence of priority packet of information even though he has not lived on Wagner Rd. for 13 years. Mr. Blacker then asked if the requested information was for the well for the furniture store and I replied that, based on the current owner listed, it was. Mr. Blacker informed me that he no longer owns that property; more specifically, that he hasn't "owned the appliance and furniture store since about 2 to 3 years ago." At the time Mr. Blacker sold the property, he believes that the new owners may have been in "the process of renovating the building and possibly hooking up to city water." I told Mr. Blacker that I would try to track down the current owners of the building. However, since he filled-out the original *Notice of Claim* and came up with the priority date of 1960, I asked him to explain how he chose 1960. Mr. Blacker replied that, "1960 is when the store was built" and that is when they began using the well. When I asked what the commercial and domestic use covered, Mr. Blacker replied that the commercial use is for lavatory and kitchen use and that the domestic use is for a little trailer for the janitor/manager. Since Mr. Blacker owned the business in 1987, I asked that he take a moment to fill-out the blank affidavit form and the *Commercial Use Volume* questionnaire and return them to me. Mr. Blacker said that he would.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 29, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BLACKER APPLIANCE & FURNITURE INC
19128 WAGNER RD
CALDWELL ID 83605

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-26913

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 19, 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.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-26913

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

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2006

BLACKER APPLIANCE & FURNITURE INC
19128 WAGNER RD
CALDWELL ID 83605

RE: Commercial use for Snake River Basin Adjudication claims 63-19915

To Whom It May Concern,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under **Annual Volume**). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the **Commercial Use Volume** sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by April 19, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

Kimberly Brown
Water Resource Agent

Enclosures