

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: A43-04081
Date Received: 3/07/1989
Receipt No: 5006466
Received By: LL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES N. BODILY 208-349-5751
Address: STAR RT. BOX 76B
DECLO, ID 83323

2. Date of Priority: APR 18, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	26E	36	SW	SE			CASSIA

5. Description of diverting works:
WELL, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/30	2.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	26E	36	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 160.0

A43-04081

Page 1

Date: 03/07/89

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10. Place of Use: Continued

Total Acres 160.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-10028

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): James M. Bodily Date: 3/7/89
Glenda G. Bodily Date: 3-7-89

State of Idaho)
County of TL) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of March 19 89 Ken White
Notary Public

Seal

Residing at TL
My Commission Expires 5/95



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04081
JAMES N. BODILY
STAR RT. BOX 76B

DECLO

ID 83323

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. 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".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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Norm Bodily:

Evidence submitted: on 3-5-92

MAX STAMM purchased property in Feb of 1958
Well drilled in June 28, 1958 (log included.)

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James Norman
Bodily

STATEMENT

Frank P. Conley

Well Drilling

STAR ROUTE DECLO

PHONE 2420 MALTA

MALTA, IDAHO

June 28, 1958

50'	18"	Well	©	9	= 2250 -
23'	18"	Casing	©	6 1/2	117485
16'	18"	"	©	6 1/2	3696
16'	18"	8x 3/4			8913
16'	18"	Ring			8 -
		Paid			355894
					500 -
		Paid			305894
					1200.
7'	18"	Casing	©	6 1/2	185894
					11271
					1746.23
		Pd Sept 2, 1958		P.W. Pd.	500.00
					1246.23
		Pd June 28, 1958			700.00
					546.23
		Pd Dec 16, 1958		P.W. Pd.	200.00
					346.23

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AGREEMENT

THIS AGREEMENT, Made and entered into this 17th day of February, 1958, by and between MEINROD WERNER and ROSE WERNER, husband and wife, of Declo, Cassia County, Idaho, parties of the first part, hereinafter called the Vendors, and MAX E. STAMM and JEANETTE STAMM, husband and wife, of Declo, Cassia County, Idaho, hereinafter called the Purchasers.

WITNESSETH: That the Vendors, for and in consideration of the sum of Twenty Three Thousand Five Hundred Dollars (\$23,500.00), together with interest, lawful money of the United States of America, to be paid in the manner and at the times hereinafter specified and the covenants and agreements hereinafter mentioned, reserved and contained on the part of the Purchasers to be kept, paid and performed, agree to sell and to convey unto the said Purchasers and the said Purchasers agree to purchase of and from the said Vendors, all that certain real property with the improvements thereon, located in Cassia County, Idaho, more particularly described as follows, to-wit:

REAL ESTATE:

South Half of the Southeast Quarter and the South Half of the Southwest Quarter of Section 36, Township 10 South, Range 26, East of the Boise Meridian.

PURCHASE PRICE:

The Purchasers hereby agree to purchase the above described real estate, together with the improvements thereon, from the Vendors, and to pay the Vendors therefore, the sum of Twenty Three Thousand Five Hundred Dollars, in the manner following, to-wit:

Three Thousand Five Hundred Dollars upon the execution of this agreement, receipt whereof is hereby acknowledged by the Vendors.

One Thousand Two Hundred Fifty Dollars on January 1st, 1959, and One Thousand Two Hundred Fifty Dollars on the 1st day of each and every year thereafter until the full purchase price, together with interest shall have been paid.

INTEREST:

It is understood and agreed that all unpaid portions of the purchase price shall bear interest at the rate of five per cent (5%) per annum from the date of the execution of this agreement, and it is understood and agreed that the interest shall be due and payable when the principal payments

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are due, and shall be in addition to said principal payments.

DEFERRED PAYMENTS:

It is understood and agreed that if said installments, as above provided, or any part thereof, are not paid when the same become due, then the whole of said principal sum and interest accrued thereon shall forthwith become due and payable at the option of the Vendors.

IMPROVEMENTS AND ALTERATIONS:

It is understood and agreed that the Purchasers will not make any alterations to the improvements located on the above described premises that will in any manner decrease the value of the said improvements and that all improvements made on the above described premises, by the Purchasers, shall be paid for at the time the said improvements are made and that the Purchasers will not permit or allow a mechanic's or materialman's lien to be filed on said premises.

TAXES:

The Vendors promise and agree to pay all taxes for the year 1957, and all prior years, and the Purchasers promise and agree to pay all taxes for the year 1958, and all subsequent years during the lifetime of this agreement. It is understood that such taxes shall be paid before the same become delinquent.

NOXIOUS WEEDS:

It is agreed and understood by the parties hereto that the Purchasers have examined the above described premises and know the conditions of said premises so far as noxious weeds are concerned and the said Purchasers purchase the same with such knowledge and agree that hereafter they will not make any claim whatsoever against the Vendors in regard to any noxious weeds located on the above described premises.

CONVEYANCE:

It is understood and agreed by the parties hereto that upon payment of the full purchase price, as provided for herein, that the Vendors will execute and deliver to the Purchasers a good and sufficient warranty deed to the above described property and will at the same time furnish the Purchasers with revenue stamps for the same.

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The Vendors agree to furnish to the Purchasers a title insurance policy at the time of the full payment of this contract, showing good and merchantable title to be in the Vendors, free and clear of all liens and encumbrances.

POSSESSION AND TIME IS OF THE ESSENCE:

It is understood and agreed that the Purchasers shall be let into immediate possession of the above described premises and may remain in possession thereof during the entire lifetime of this agreement, or until the Purchasers shall make default in some payment, promise, covenant or agreement hereof to be performed by them, or until the said contract shall have been terminated by the Vendors on account of some default on the part of the Purchasers. The Purchasers promise and agree that in case they fail to perform this agreement as herein provided and the Vendors shall serve notice of forfeiture upon them, then and in that event, unless they perform this agreement within the time hereinafter provided, after the service of such notice, then the said Purchasers agree that they will, without delay, deliver up the possession of the above described property to the Vendors in a peaceable manner. It is understood that the failure on the part of the Vendors to require prompt performance on the part of the Purchasers shall not in any event extend the time for performance by the Said Purchasers or be a waiver by the Vendors of time being of the essence of this agreement. It is understood that the time hereinafter provided for notice of forfeiture shall remain as hereinafter provided and shall be complied with on the part of the Purchasers, if requested by the Vendors.

It is agreed that time shall be and is of the essence of this agreement, and that if the Purchasers shall fail to pay the deferred payments or interest or any part thereof at the time the same becomes due, or to fail to perform any covenant or agreement herein covenanted to be kept by them, at the time and in the manner herein specified, then this agreement may be forfeited and determined by the Vendors at their option. In the event said contract is forfeited by the Vendors, the said Vendors shall be released from all obligation to convey the above described property to the Purchasers, and in such event the Purchasers shall forfeit all right to said property and all their rights under this agreement. In such event all moneys theretofore paid to the Vendors under this agreement, shall be retained by the Vendors and shall constitute and be liquidated damages for the use of said property,

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by the Purchasers. It is understood that before such forfeiture can take place, the Vendors must give the Purchasers thirty (30) days written notice of their intention to forfeit and determine this agreement and the ground on grounds upon which said forfeiture is claimed. If the Purchasers shall within the said thirty days comply with and perform the provision or provisions of this agreement for the breach of which the Vendors have given notice, then and in that event this agreement is to remain and be in full force and effect the same as though such default by the Purchasers had never been made.

Such notice shall be given by mailing to the Purchasers a copy thereof, addressed to them at Declo, Cassia County, Idaho, and such service shall be complete upon the depositing of a registered notice, return receipt requested in any post office.

HEIRS, ETC:

The word "Vendors" wherever it appears in this instrument, includes the Vendors, their heirs, executors, administrators and assigns, and the word "Purchasers", wherever it appears herein, includes the Purchasers, their heirs, administrators, executors and assigns.

SIGNATURES:

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year first above written and executed these presents in quadruplicate.

Minna Warner (SEAL)

Rose Warner (SEAL)
Vendors.

Max E. Stamm (SEAL)

Jeannette Stamm (SEAL)
Purchasers.

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MAR 05 1992

STATE OF IDAHO)
 : ss.
County of Cassia)

On this 17th day of February, 1958, before me, the undersigned,
a Notary Public in and for said State, personally appeared MEINROD WERNER
and ROSE WERNER, husband and wife, known to me to be the persons whose names
are subscribed to the within and foregoing instrument and acknowledged to me
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above written.

(SEAL)

My commission expires:
May 12th, 1958.

Norman H. Nielson
Notary Public in and for Idaho,
Residing at Burley, Idaho.

STATE OF IDAHO)
 : ss.
County of Cassia)

On this 17th day of February, 1958, before me, the undersigned,
a Notary Public in and for said State, personally appeared MAX E. STAMM and
JEANETTE STAMM, husband and wife, known to me to be the persons whose names
are subscribed to the within and foregoing instrument and acknowledged to me
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

(SEAL)

My commission expires:
May 12, 1958.

Norman H. Nielson
Notary Public in and for State of Idaho,
Residing at Burley, Idaho.

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8 An Cassia County
Heinrad Werner

6-22461 Cline Preston (2 PDs)

PD #1 - NW 1/4 Sec 36, 103, 26E - 356' deep well, 1500' Lyrne
Bowler pump # 27705 - 10" x 10" discharge 97 HP 75 HP Charley Motor

PD #2 - SE 1/4 Sec 36, 103, 26E - 355' x 22' (well), 1500' F-M
Pump # AK 5602, 12" discharge, 75 HP F-M Motor # 130558

Measured by Sperry Motor #1 - 5 sec 3 min 20 sec = 2.5 cfs @ 125"
#2 - 5 sec 2 min 59 sec = 2.80 cfs @ 116"

Total 538 cfs @ 265" for 638 acres - Sec 36, 103, 26E - 415' per acre

PD #1 permit

6-27123 Meinrad Werner (2 PDs)

PD #1 - NW 1/4 Sec 36, 103, 26E - (220' x 12" column) 150 HP 150' Hise
Motor # B-43V 552 - Wintnuth Pump # 9076 - 12" discharge (This

Pump & Motor replaced 75 HP Charley PD #1 Armit # 6-22461)

PD #2 - SE 1/4 Sec 36, 103, 26E - 75 HP F-M Motor # F-130558
F-M Pump # B.K. 5602 10" discharge Ninto open pit

Measured by Sperry Motor #1 - 3 sec 1 min 24 sec = 3.44 cfs @ 172"
#2 - 2 sec 2 min 2 sec = 1.66 cfs @ 82"

Total 510 cfs - less 2.50 cfs (for Pump #1 Armit # 6-22461) = 260 cfs @ 130"
for 480 acres Sec 36, 103, 26E = .27" per acre. This gives .685"

per acre to NW 1/4, 1/2, 3/4 SE 1/4 Sec 36, 103, 26E.

Pump & Motor on well in SWSE Sec 36 (6-22461) was moved
to well in SESE Sec 36 in 6-27123

6-27283 Meinrad Werner (1 P.D.) (amended to present location)

P.D. NE 1/4 Sec 36, 103, 26E - 75 HP Charley Motor # 2

Layne-Bowler Pump # 27705 - 10" x 10" discharge N. to concrete
distribution box. (This pump moved from PD #1 NW 1/4 Sec 36
permit # 6-22461)

6-27783 continued.

Measured by Spring Meter - 3 Rev - 2 min. 35 sec. = 242 cfs or 121"

T. 53° E. for 160 acres - E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 36, 103, 26E.

Note - 158 acres of this 160 acres has 130 cfs or 65"

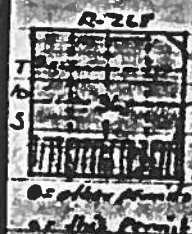
licensed under permit # 6-22461. If license is issued in the amount of 242 cfs for 160 acres as stated in letter dated Sept 16, 1963 this will be 1.16" pressure for the 158 acres and 1" pressure for the 2 acres unlicensed in the NE NE sec 36. License should be for 130 cfs instead of 242 cfs.



6-29060 Meinard Werner (I-PD)

RRE # 4020

PD. NE SW SE Sec 36, 103, 26E.

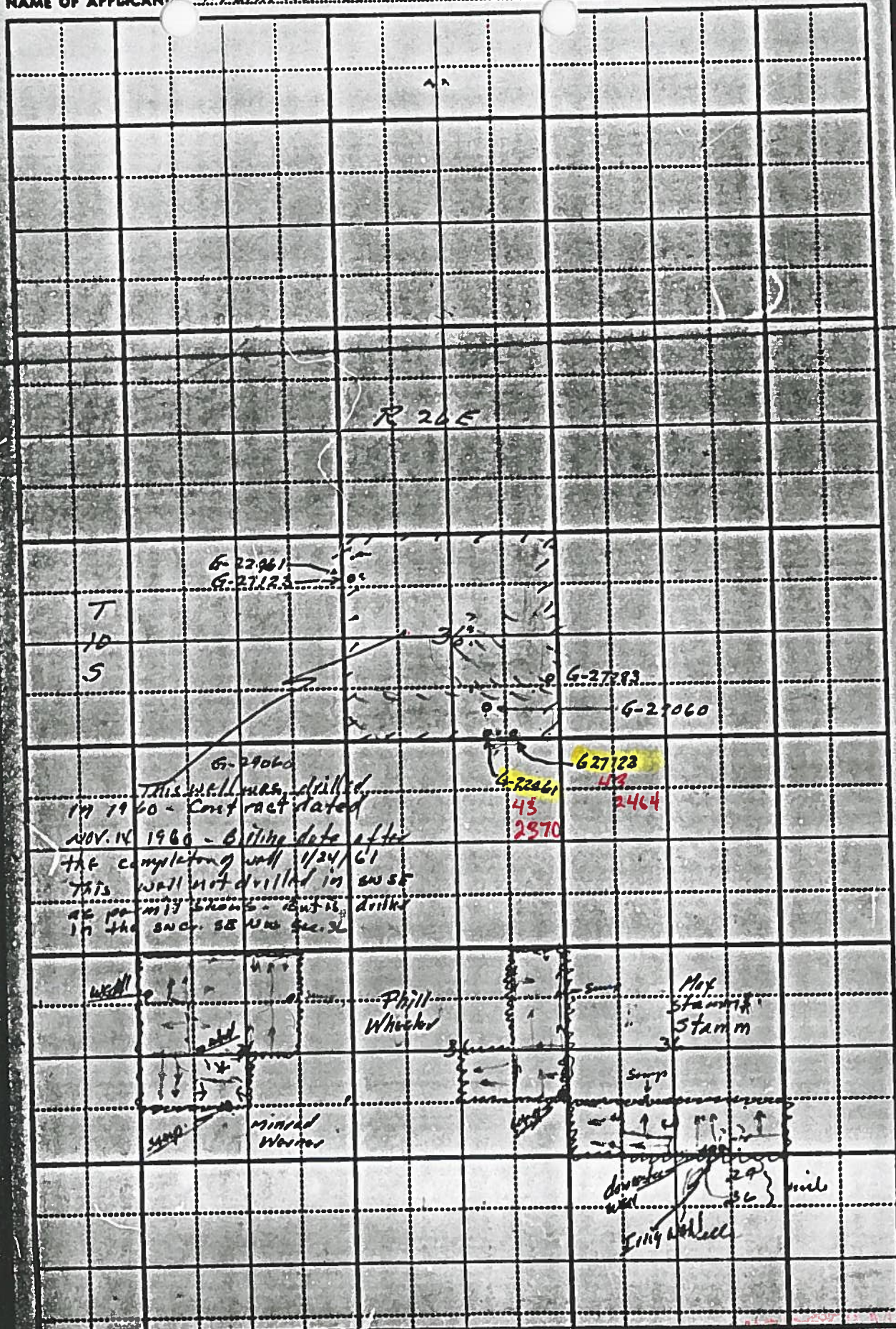


Find out if SW SE Sec 36 - in permit 6-22461 has been abandoned for irrigation and if used for domestic.

This permit has 130 cfs or 65" licensed under permit # 6-22461. only be allowed 130 cfs from new PD.

Bill Strausser drilled 36 441 36 452
Frank Conley drilled enlarged 36 441 and drilled 36 442

6-22461



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

G-22461

BOLEY & OSBORNE

WELL DRILLING

MURTAUGH, IDAHO

278 Tyler Street
Twin Falls, Idaho

March 22, 1952

#2
Per map
KHC

Purchaser.....Cline Preston
 Location.....About 5 miles east of Cottrel elevators
 Well number.....#2
 Drilling.....128 ft. of 20 in. hole at \$12.00 per ft.....\$1536.00
 107 ft. of 16 in. hole at \$10.00 per ft.....1070.00
 Casing.....Built shoe and set 32 ft. of 20 in. pipe \$2606.00
 Pulled 20 in. and set 125 ft. of 17 in.
 pipe.....5 hrs. at \$10.00 per hr.....\$150.00
 Drove 17 in. from 125 ft. to 160 ft.
 Amount due.....\$2656.00

Log of well :

0	-	4	Topsoil and hardpan
4	-	24	Brown clay
24	-	50	Grey lava
50	-	58	Brown lava
58	-	75	Purple lava
75	-	88	Grey lava
88	-	100	Brown lava
100	-	115	Black lava----- cinders at 110
115	-	119	Brown clay
119	-	138	Sand, loose and cavey
138	-	155	Sand and gravel, fairly tight with streaks of clay
155	-	160	Coarse gravel, clean
160	-	162	Black lava
162	-	164	Sand, fairly tight
164	-	166	Brown lava
166	-	174	Gravel, fine, with bits of grey clay binder
174	-	182	Black lava
182	-	184	Grey clay, fine gravel mixed in
184	-	207	Grey lava
207	-	211	Grey clay
211	-	235	Black lava, heavy cuttings ----- very coarse cuttings and chips 224 - 235 ; a few cinders at 235

Water Table :

Struck water between 128 and 130, raised to 120 ft. and stood there at completion of well.

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BLAINE BOLEY

BILL OSBORNE

BOLEY & OSBORNE

WELL DRILLING

MURTAUGH, IDAHO

April 18, 1952

Log of Cline Preston well number 1 (con't)

235 - 245 cinders
245 - 250 tan colored sand
250 - 255 sand and very fine gravel
255 - 265 clean, fine gravel
265 - 269 cinders and talc
269 - 272 broken black lava and cinders
272 - 280 cinders, talc and broken black lava
~~280 - 315 tan, sandy clay and gray sticky clay in layers from 4' to 6' thick~~
~~315 - 333 tan clay -- sticky~~
333 - 335 heavy gravel -- medium fine

Casing.....12" from top to 270'....perforated from 121' to 268'
Water table.....unchanged

Balance.....	\$616.00
100' of 12" hole -- 235 - 335	800.00
Building shoe and running 12" to 235'	
6 hrs. at \$10.00 per hr.....	60.00
Perforating 12" pipe	
13 hrs. at \$10.00 per hr.....	130.00
Pulling 17" pipe	
2 hrs. at \$10.00 per hr.....	20.00
Total amount due.....	\$1626.00

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MAR 05 1993

VERIFIED BY *X* 10/13/2000

10/13/2000

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

RIGHT NUMBER: 43-4081

NAME AND ADDRESS: GLENDA J BODILY
JAMES NORMAN BODILY
2220 E 200 S
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 1.5 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 628 AF. COMBINED RIGHT
NOS.: 43-02370A, 43-2464A, & 43-04081.

PRIORITY DATE: 06/11/1960

POINT OF DIVERSION: T10S R26E S36 SESWSE Within CASSIA County
T10S R26E S36 SESWSE Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T10S, R26E, S36, SESWSE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.50 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T10S R26E S36	SESE	40	T10S R26E S36	SWSE	37
T10S R26E S36	SESW	40	T10S R26E S36	SWSW	40

157 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 157 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02370A, 43-02464A, &
43-04081.

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

Water Right 43-4081

43-02370A, 43-02464A, & 43-04081



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 11, 2000
TWP 10S, RNG 26E, SEC. 36

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

A43-02370A

A43-02464A

A43-04081

Kelly Christensen did a review of these rights in 1992. I did a field exam in 1994 and included those materials in the files. I agreed with his findings and recommendations (except to change the Season of Use and re-format the Remarks according to our new standards.) For more information, see CVR's by Kelly in the back of each file.

J 10/11/2000

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES N. BODILY STAR RT. BOX 768 DECLD ID 83323 (208) 349-5751	04/18/1952	IRRIGATION	04-15 10-30	2.50 CFS	
					TOTAL DIVERSION:	2.50 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R26E S36

SMSE

CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
10S 26E 36	:	:	:	:	:
	40	40	40	40	160.0
TOTAL ACRES	40	40	40	40	160.0

POU County: CASSIA

Other Rights: A43-10028

Dates: Exam Made Date:

Verified Date: 06/03/1985

Misc: Water District Number:

Field Inspection Flag:
 Presumption Flag:

Cond. Code C18
Remarks
POU 1 E14(157)
POD F02
QNT E08(628)

157

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 **JAMES R. BODILLY**

forming or claiming)

of Star Route Box 76, Declo, Id. 83323, claims a right to the diversion and beneficial use of 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) _____ ground water

(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	125"	Use	Irrigation	Period of Use	From Apr. 15	to Oct. 30
Amount		Use		Period of Use	From	to
Amount		Use		Period of Use	From	to
lbs. ppm of 10)			(from 100 stock, etc.)			(both dates inclusive)

(b) Total quantity of water claimed _____ cubic feet per second, or
per minute, and of _____ gallons per minute _____ acre feet

(4) Prior to January 1, 1952, the date water was first applied to beneficial use. A claim is not acceptable, even though the claimant has been diligent in the effort to obtain water rights, if the claimant has not obtained water rights by January 1, 1952. April 18, 1952

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, 1974. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) At Point of diversion (give location of point where water is diverted from its source)
SW 1/4, Sec. 36 Twp 10S Rge 20E N.M. County of Cassia

(b) Describe means of diversion of water (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Name of tank, pressure, by, or gravity supply. The width of the well was 12", has been drilled to a depth of 335'. There is a 100 hp. motor presently set on the well and the bowels have been set 200' down with a 30' suction tube so the water is being drawn from a depth of 270'. The water is pumped to open ditches and 100 acres of the land are flood irrigated and the remaining 60 acres are sprinkled by hand line.

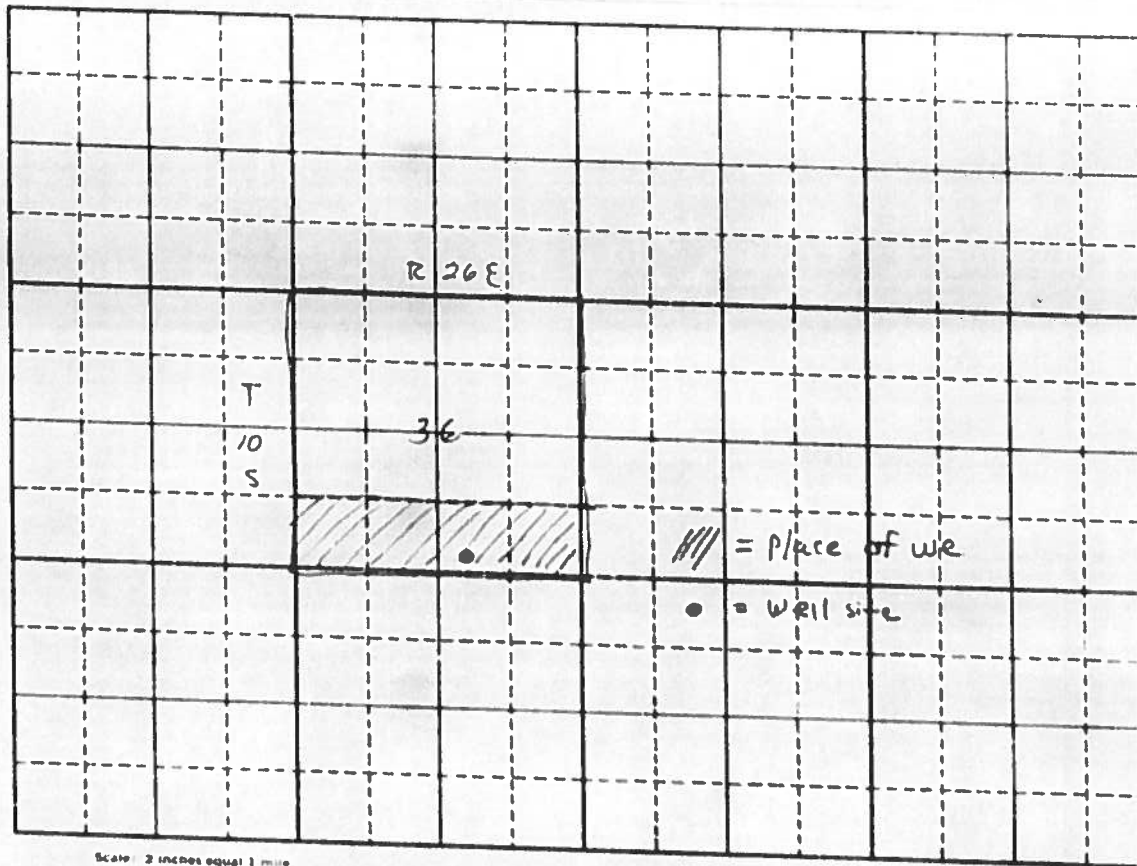
[illegible]

Total No. of areas 160

PLEASE DO NOT REMOVE OR DESTROY THIS INFORMATION, FULLY DESCRIBE THAT USE, BEING AS SPECIFIC AS POSSIBLE.

Organization, list name of organization

(8) Remarks Attached to this claim is the affidavit of James B. Rodily which incorporates therein Exhibits A through E. The attached affidavit and its exhibits constitute an integral portion of this claim.



Scale: 2 inches equal 1 mile

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

State of Idaho)
County of) ss.
County of)

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

Sworn to before me this 7 day of February, 1978.

Notary Public

Residing at Boise, ID

My commission expires 6/30/80

For Department Use Only

Received by: [Signature]
Date: 2/21/78
Exception filed by: [Signature]
Forwarded to claimant by: [Signature]
Date: 2/21/78
Approved for publication by: [Signature]
Published in: [Signature]
Date: 2/21/78

AFFIDAVIT OF JAMES B. BODILY

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

I, JAMES B. BODILY, first having been sworn upon oath declare and state as follows:

1. That I and my wife, Melba Bodily, are presently the owners of 160 acres of land described as the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 36, Township 10 South, Range 26, EBM, located in Cassia County, Idaho.
2. That there is a well located on said 160 acre tract of land located on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section.
3. That the said well has been used to irrigate the entire 160 acres as above described, delivering at least 125 inches of water on said land for irrigation purposes to grow crops since at least February of 1972 when affiant acquired the land from its previous owner.

4. Attached hereto and incorporated herein by reference as though set forth at length are the following:

Affidavit of Tim Matthews, Exhibit A, an adjoining land owner; Affidavit of Phil Wheeler, Exhibit B, also an adjoining land owner; Affidavit of Max E. Stamm, Exhibit C, a former owner of the above-described real property; and, Meinrad Werner, Exhibit D, a former owner of the above-described real property.

said Affidavits verify that the well above-described has been supplying at least 125 inches of water to the above-described land for irrigation purposes back to the date of the drilling of the well. The above affiants state that they believe the drilling date to have been in 1950.

5. Attached hereto as Exhibit E and incorporated herein by reference as if set forth at length is a true and correct copy of a well-drilling log which log is in two parts; the first page is dated March 22, 1952 showing the log of a well drilled to the depth of 235 feet. The second page is a continuation of the well log of the well described on the first page (though mis-labeled well number 1) dated April 18, 1952 showing a well being drilled from a depth of 235 feet to 335 feet. Exhibit E is the drill log as delivered to the undersigned of the well above-described having been delivered to him by the next previous owner, Max E. Stamm, having been delivered to Mr. Stamm by the next previous owner, Meinrad Werner, having been delivered to him by the original land owner, Cline Preston, owner of the land when the well was drilled.

6. Based upon information and belief, affiant declares that the water was first beneficially applied from this well as drilled in Exhibit E to the above 160 acres at the rate of 125 inches of flow as of April 18, 1952, and has been in constant and continuous use for irrigation purposes for every crop season thereafter on the said 160 acre tract of land.

JAMES B. BODILY

SUBSCRIBED AND SWORN TO before me this 9 day of February, 1978.

(SEAL.)

Notary Public

Residing at: 616 W. 1st St.

My Commission Expires: 6-1-79

Bodily Claims

2-14-92

A43-2370A (originally A43-10028)

A43-2464A

A43-04081

need proof of priority as of this lat
2P/Ds exist since late 50s (covered under
two licenses) ~~but~~ but the div
rate from those wells extended onto all
acres within Sec 36. Licensing field
exam~~er~~ indicates that the 2 wells were
capable of delivering 2.8 CFS & 1.66 CFS.

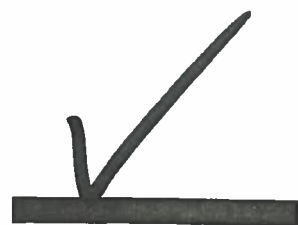
If these wells were used exclusively
on the 5 1/2 of the 5 1/2 prior to mandatory
permit date for G.W. then an increase
to an in per acre is demonstrated.
If after permit date, recommend disallow

KKC

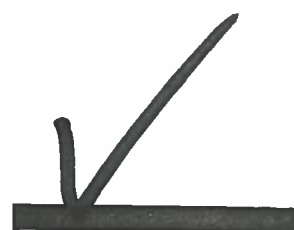
MICROFILMED

MAR 03 1993

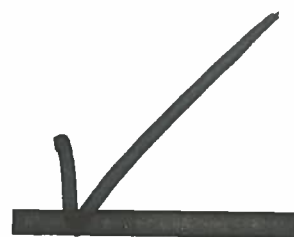
R PROOF



CVR



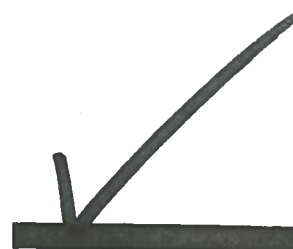
MAPS



PHOTOS



MISC



MICROFILME

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Water Right Number - R43-04081

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +
 + - - - - First Name - - - +
 *** C - CURRENT OWNER ***
 BODILY JAMES N

1 - STAR RT BOX 768
 2 -
 3 -
 City- DECLD
 Phone - 208-349-5751

VERIFIED BY *KHC*

State- ID Zip- 83323

+ - - Priority Date - - +
 06/11/1960 17 SOUTHERN

+ - - - - Stage - - - +
 J - BENEFICIAL USE

+ - - - - Status - - - +

+ - - - - Source - - - - -
 GROUNDWATER

+ - - - - Tributary - - - - -

+ - - - - Point of Diversion - - - - -
 Twn Rng Sec Tract Lot RFlg County
 10S 26E 36 SE SW SE (31) CASSIA

+ - - - - Water Use - - - - -
 Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01 10/31

1.500

+ - Total Div. Rate - + - Total Div. Volume - +
 1.500

+ - Total Consumptive Use - + - KW Usage - +
 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10S	26E	36	SW SW		40.0	01	IRRIGATION	(31) CASSIA
10S	26E	36	SE SW		40.0	01	IRRIGATION	(31) CASSIA
10S	26E	36	SW SE		37.0	01	IRRIGATION	(31) CASSIA
10S	26E	36	SE SE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 157.0

+ - - Diversion Means - 2 WELLS AND PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - Remarks - - - - -
 2 POINTS OF DIVERSION LOCATED IN SESWE, S-36, T-10S, R-26E.
 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
 DESCRIBED ABOVE: 43-02370A AND 43-02464A.
 USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL
 COMBINED DIVERSION RATE OF 3.14 CFS, A TOTAL COMBINED ANNUAL
 DIVERSION VOLUME OF 628 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE

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MAR 05 1993

Water right number - R43-04081

Prefix Translation: RESEARCH

REMARKS
USE VOLUME OF 473 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 157 ACRES IN A SINGLE IRRIGATION SEASON.

No Old Water Right Numbers Found

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000Comments
No Comments Found

Audit Fields
03/19/92 CHRISTEN

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/19/1992	Old Judicial District	-
Claim Received Date	- 03/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006466	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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MAR 05 1993

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y			Y	6	3-19-92 KCC		3-19-92 KCC
SOURCE				N	1456			
PLACE OF USE	Y			Y	1456			
DIV. AMOUNT CFS/VOLUME				Y	6			
CONSUMPTIVE USE				Y	6			
PURPOSES				Y	6			
PERIOD OF USE				Y	6			
BASIS OF CLAIM				Y	6			
REMARKS				Y	6			

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

*Supporting evidence
is provided.*

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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MAR 05 1993

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A43-04081

03/19/92
03:44:30

LAST: BODILY

FIRST: JAMES N.

ADDRESS: STAR RT. BOX 768
CITY: DELO
PHONE NUMBER: 208-349-5751

STATE: ID ZIP: 83323

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
EXAMINER
N

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: _/_/_

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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MAR 05 1993

A. AJ CLAIM: # A43-04081 PRIORITY DATE: 04-18-1952 STAGE: S
B. WR RECORD: # 43-04081 PRIORITY DATE: 04-18-1952 STAGE: S

C. FIELD EXAM REQUIRED? _____
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) _____
DATABASE N FIELD EXAMINER _____

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(☒) N(☐)
IF YES EXPLAIN.

REMARKS: Priority advanced to 6-11-60 see attached analysis

RECOMMENDED PRIORITY DATE:
04-18-1952

REVIEWED BY

KKC

DATE

3-19-92

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MAR 05 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A43-04081	10S	26E	36		SW	SE		CASSIA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A43-10028

NONE

WR RECORDS IN SAME 40 ACRE TRACT

43-02370A
43-04243

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
43-04081	10S	26E	36		SW	SE		CASSIA

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX43-02370A
43-04243A43-02370A
A43-02464A

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
		Y		
		N		

REMARKS:

Found two wells, both in SW/SE of Sec 36. see attached analysis sheet.

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MAR 05 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4 1/4

1/4

LOT

COUNTY

105 24E 36SESWSECoconino (Havensville)

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

KKC

DATE:

3-19-92

MICROFILME

MAR 05 1993

A. ROOT WATER RIGHT NUMBERS: A43-04081

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TOS 26E	36	SW	SW	BODILY ,	JAMES N.	A43-04081 /40.0	43-04081 /40.0	35.0	39	40	
		SW	SW	BODILY ,	JAMES NORMAN	A43-02370A /40.0	43-02370A /38.0				
		SW	SW	BODILY ,	JAMES NORMAN	A43-02464A /40.0	43-02464A /40.0				
		SW	SW	BODILY ,	JAMES N.	A43-10028 /40.0	- /				
TOS 26E	36	SW	SW	BODILY ,	JAMES N.	43-04243 /40.0	43-04243 /40.0	38.0	39	40	
		SE	SW	BODILY ,	JAMES N.	A43-04081 /40.0	43-04081 /40.0				
		SE	SW	BODILY ,	JAMES NORMAN	A43-02370A /40.0	43-02370A /40.0				
		SE	SW	BODILY ,	JAMES NORMAN	A43-02464A /40.0	43-02464A /40.0				
TOS 26E	36	SE	SW	BODILY ,	JAMES N.	A43-10028 /40.0	- /	43-04243 /40.0	37	37	
		SE	SE	BODILY ,	JAMES N.	A43-04081 /40.0	43-04081 /40.0				
		SW	SE	BODILY ,	JAMES NORMAN	A43-02370A /40.0	43-02370A /40.0				
		SW	SE	BODILY ,	JAMES NORMAN	A43-02464A /40.0	43-02464A /40.0				
TOS 26E	36	SW	SE	BODILY ,	JAMES N.	A43-10028 /40.0	- /	43-04243 /40.0	39	40	
		SE	SE	BODILY ,	JAMES N.	A43-04081 /40.0	43-04081 /40.0				
		SE	SE	BODILY ,	JAMES NORMAN	A43-02370A /40.0	43-02370A /40.0				
		SE	SE	BODILY ,	JAMES NORMAN	A43-02464A /40.0	43-02464A /40.0				
TOTAL ACRES						A43-04081	160.00	160.00	149.00	157	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, (Y) (N) ()

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y

FIELD EXAMINER N

POU COUNTY: CASSIA

MICROFILME

MAR 05 1993

PRESUMPTION FLAG:

REMARKS:

All three claims covering this property are for the same
157 acres. The two wells are combined for each
claim and therefore each well claim is to add the rate
to the P/U only. see attached narrative for add analysis.

RECOMMENDATIONS:

TOTAL ACRES:

157

REVIEWED BY:

KHC

DATE:

3-19-92

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A. A3 CLAIMED USES:

PURPOSES
A43-04081 IRRIGATIONMONTH/DAY
FROM 04-15 TO 10-30DIVERSION QUANTITY
2.500 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.500 CFS

*change to 5 standard of
4-1-10-30*

B. WR RECORDED USES:

PURPOSES
43-04081 IRRIGATIONMONTH/DAY
FROM 04-15 TO 10-30DIVERSION QUANTITY
2.500 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD	EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)	N
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	N
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Y() N()

Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)AJ TOTAL CLAIMED DIVERSION RATE: 2.500 CFS
MR ROOT RIGHT TOTAL DIVERSION RATE: 2.500 CFS*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y ☒ FIELD
DATABASE EXAMINER ☒

B.

MEASUREMENT METHOD See attached file FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A43-10028

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-04081	GROUNDWATER	BODILY, JAMES N.	2.500	0.015		
A43-02370A	GROUNDWATER	BODILY, JAMES NORMAN	1.330	0.008		
A43-02464A	GROUNDWATER	BODILY, JAMES NORMAN	0.310	0.001		
A43-10028	GROUNDWATER	BODILY, JAMES N.	1.000	0.006		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

Reimbursement to A43-2370AMICROFILME
MAR 05 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on consumptive use for combined rights.)

*See attached
Remarks worksheet*

MICROFILME
MAR 05 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-15 10-30 <i>Standards</i>	DATABASE EXAMINER 2,500 <i>1.5</i> 2,500	DATABASE EXAMINER <i>X</i>	DATABASE EXAMINER 0.0 <i>X</i>
TOTAL FOR THIS RIGHT				0.0

REVIEWED BY: *XKC*

DATE: *3-19-92*

MICROFILME
MAR 05 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-04081

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.500

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATEWR RIGHT
NUMBERSDIVERSION
RATE

A43-04081

2.500

43-04081

2.500

TOTAL CFS

2.500

2.500

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)

DATABASE
YFIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Kelly S. Christman

DATE:

3-19-92

NAME OF FIELD EXAMINER:

TITLE:

SR Water Right Agent

MICROFILME

MAR 05 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES N. BODILY STAR RT. BOX 768 DECLD ID 83323 (208) 349-5751	04/18/1952	IRRIGATION	04-15 10-30	2.50 CFS	
TOTAL DIVERSION:					2.50 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T10S R26E S36

SWSE

CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
10S 26E 36	: :	: :	: :	: :	: :
			40	40	
TOTAL ACRES			40	40	160.0

POU County: CASSIA

Other Rights: A43-10028

Dates: Exam Made Date:

Verified Date: 06/03/1985

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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MAR 05 1993

Claims A43-2370A, A43-2464A, & A43-4081

System description

The system is two irrigation wells capable of irrigating approx 157 acres. The two licensed rights were split in allocation through Transfer 3611.

1. The licensed rights allow 0.01045 CFS/ACRE. (Based upon 157 acres)
2. The system capacity is Pd #1 = 1.66 CFS
Pd #2 = 2.80 CFS per 6-10-60 field exam
4.46 CFS

3. Claim A43-4081 was determined to be valid and is therefore recommended for the balance required to bring the system up to the legal limit of 1" per acre
 $0.02 - 0.01045 = .00955 \text{ CFS/ACRE} \times 157A = \underline{1.5 \text{ CFS}}$

Analysis of proof of Priority for A43-4081.

1. Claimed priority was 4-18-1952. 4-18-52
2. 160 Acres covered by these 3 claims sold to Max Stamm (separating property) - 2-17-58
3. Field exam conducted for permits 43-2370 & 43-2464. 6-10-60
 - a) Exam combined ^{wells} systems & spread diversion rates over the entire section.
 - b) Exam identifies two different owners for the licensed P/U.
 - c) sketch of system indicates that the wells claimed in these claims irrigated only the current 160 acres.
4. Transfer 3611 filed to formally split the water rights 36-2370 & 36-2464

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MAR 21 1993

Recommendation For A43-4081

Evidence supplied indicate that the wells in the SW/SE of Sec 36 were supplying water to the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of sec 36 by 1958. (Ownership change of the 160 described acres.) However, the 1960 licensing field exam spread the diversion rate from those wells over all acres irrigated in Sec 36 and covered by the two licenses. The system diagram, however, indicates that the south 2 wells covered only the South 160 Acres.

Therefore I recommend 157 acres irrigated from those wells at one inch per acre, as the field exam determined that the combined flow from the two wells exceed the legal limit. Further, I recommend the priority date be set one day following the licensing field exam. (6-11-60)

Recommended rate is 1.5 CFS (see Pg 1 item 3 of system description).

Secondary Considerations

As there are two irrigation within a prop 300 ft of each other and a domestic well between them, there has been some confusion as to locations and ^{which} out put relates to each well.

The wells parallel the south border of the P/U. I have designated the Well on the west side of the farmstead as P/D #1 and it has a 16" casing the other irrigation well is labeled P/D #2 and has a 12" casing Both wells are in the SW/SE Sec 36. There is no well nor has there ever been a well in the SE/SE Sec

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS

43- 2370A43- 2464A43- 4081

AGENT

INITIALS

KK

DATE

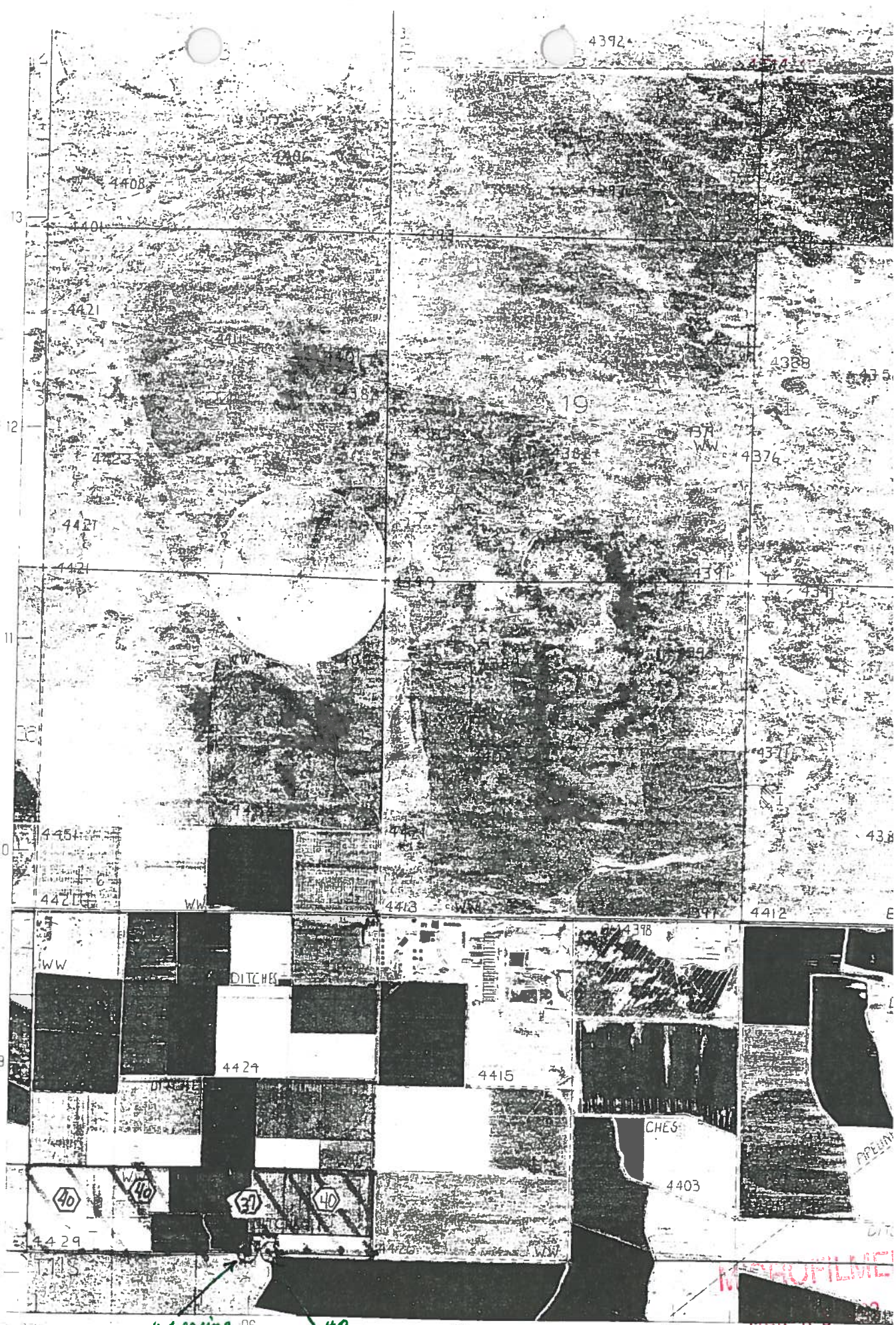
CLAIM NO.
OR ENTRY
ORDERREMARK
CODE

ENTRY DATA

CONDITION
CODESTAGE
OR
STATUSPRESUMPTION
CODE43-2370A~~E06~~43-02464A & 43-04081E033.14628473157E022 SE/SW/SE 36 105 26E43-2464AE0643-2370A & 43-04081E03same as aboveE02" " "43-4081E0643-2370A & 43-2464AE03same as aboveE02" " "

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OS
IS

#1 casing
Dia 16
#2 casing
Dia 12

Produced by the Geological Survey
in cooperation with the Soil Conservation Service