

02-10014
Ownership
Change
05/07/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10014 V1

WATER RIGHT NUMBER: 2-10014 V1

Owner Type

Current Owner

Name and Address

ROBERT W UHL
C/O SHAWN UHL MCFADDEN
608 E 52ND
GARDEN CITY, ID 83714
(208)378-9645

← change to Leigh Alice Uhl
use same address + c/o
info

Priority Date: 03/15/1990

Basis: Beneficial Use

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.520 CFS

Annual Volume

33.80 AF

Total Diversion:

0.520 CFS

33.80 AF

Location of Point(s) of Diversion

SNAKE RIVER

L7 ()

Sec. 31, Twp 05S, Rge 08E, B.M.

OWYHEE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
05S 08E 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	8.3 L 9
05S 08E 32									15.0 L 5	2.5 L 6							17.5

Total Acres: 25.8

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Priority date of right changed due to forfeiture and resumption of use after intervening appropriation.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10014 V1

1. CFRITSCH 5/30/2006 Resumption of Use

Comment: Claimant has provided evidence that resumption of the use of a portion of this claim occurred in 1990. The resumed use was limited to approximately 1.3 af/acre. The priority date has been advance to the date of resumption of use.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

GPS POD locations:

old pump site $42^{\circ} 56' 30''$ N (located S. of bridge)
 $115^{\circ} 31' 52''$

Mr. WOOTAN's portable pump site (located W. of bridge)
 $42^{\circ} 56' 47''$
 $115^{\circ} 32' 55''$



Picture of PO4 for 2-10014 (North side of bridge) - the south side looks the same as this picture - full of sagebrush.
3-16-06

* Although the claimants claim resumption of use of the land from the 1990's (leased land to Wootans) it is very difficult to distinguish where that occurred. Claimants will attempt to find more evidence to support the resumption.

February 17, 2006

Misty Mount
Department of Water Resources
322 East Front Street
P. O. Box 83720
Boise, ID 83720-0098

RE: Water Right Numbers 10670/02-2026 and 2-10014
Owyhee Farm Property

Dear Ms. Mount:

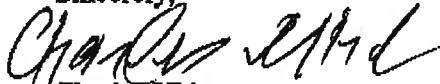
I am one half owner of the Owyhee Farm. This land was inherited by me from my father, Glenn Uhl.

where specifically
I grew up on a forty acre farm in Hammett, Idaho with my parents and Grandmother from approximately 1943 until 1956. During the summers, I often went with my father to the 'river place', the land on the Owyhee side of the Snake River, where I helped with the irrigating, digging ditches and moving handlines. A portable pump was used to pump water to ditches and later we bought handlines. We grew hay or at other times just irrigated for pasture.

In 1960, I enlisted in the service and left the area. During those years following 1960, my Uncle, Robert Uhl, maintained the property for the family. In the late 1960's, my Uncle and Aunt moved to Pocatello leaving the property lay fallow until he leased it to Marvin Wooten in 1989.

Please feel free to give me a call me at 209-460-1530 if you have any questions.

Sincerely,



Charles Uhl

2006 Grange Avenue
Stockton, CA 95204

1914 - priority date claimed

1943 - 1956 → time shown as land being beneficially used

56 - 89 - property unused??

1989 - land is leased to Wooten.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of CaliforniaCounty of San JoaquinOn February 24, 2006 before me, Barbara S. Jantzen, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"personally appeared Charles Uhl --
NAME(S) OF SIGNER(S)

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Barbara S. Jantzen
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
 NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Letter to Misty Mount, Dept. of
Water Resources, Boise, ID

TITLE OR TYPE OF DOCUMENT

one

NUMBER OF PAGES

02-24-06

DATE OF DOCUMENT

none

SIGNER(S) OTHER THAN NAMED ABOVE

MEMO TO FILE

To: 2-10014
From: Scott King 
Date: June 18, 2003

Subject: Recommendations

Claiming 1914 priority for irrigation based on permit 02-2026 which was cancelled in 1972. Forest Luthy reviewed 1977 U-2 images and found no irrigation. Other images confirm the lack of irrigation, including 1975 and 1980 U-2 images (see below), 1974 orthoquad, and 1987 base layer. As this reviewer was unable to find any evidence of beneficial use, this claim is recommended to be disallowed.

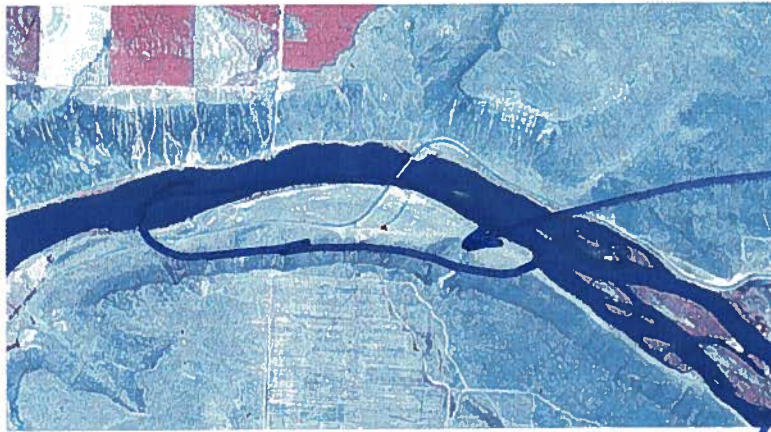


Figure 1. U-2 image #6101-75-131, dated 6/8/1975.



Figure 2. U-2 image #3454-80-152, dated 9/17/1980.

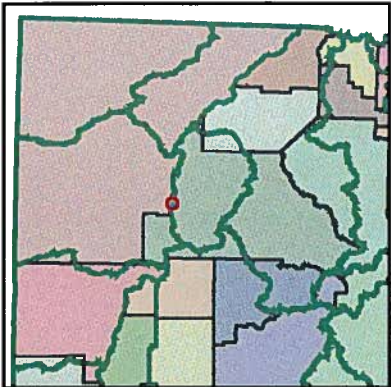
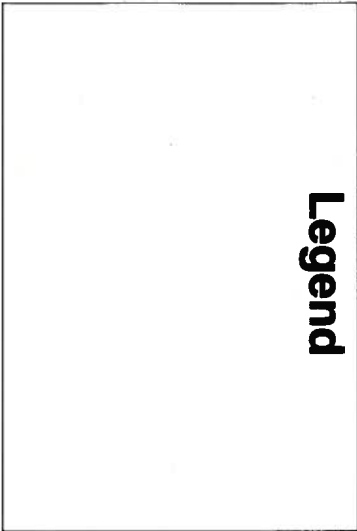
Idaho Department of Water Resources



**T05S R08E
T06S R08E**

Adjudication Claim Number: 2-10014

Legend

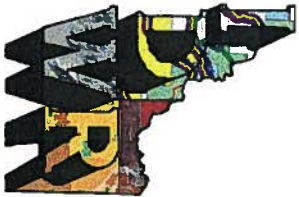


Owyhee County
IDWR Basin 2



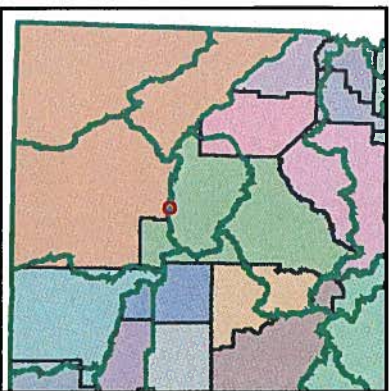
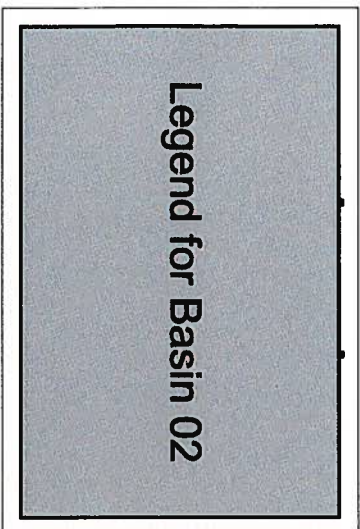
Prepared by M. Mount
On Wednesday, March 15, 2006
2004 NAIP Aerial Photography

Idaho Department of Water Resources

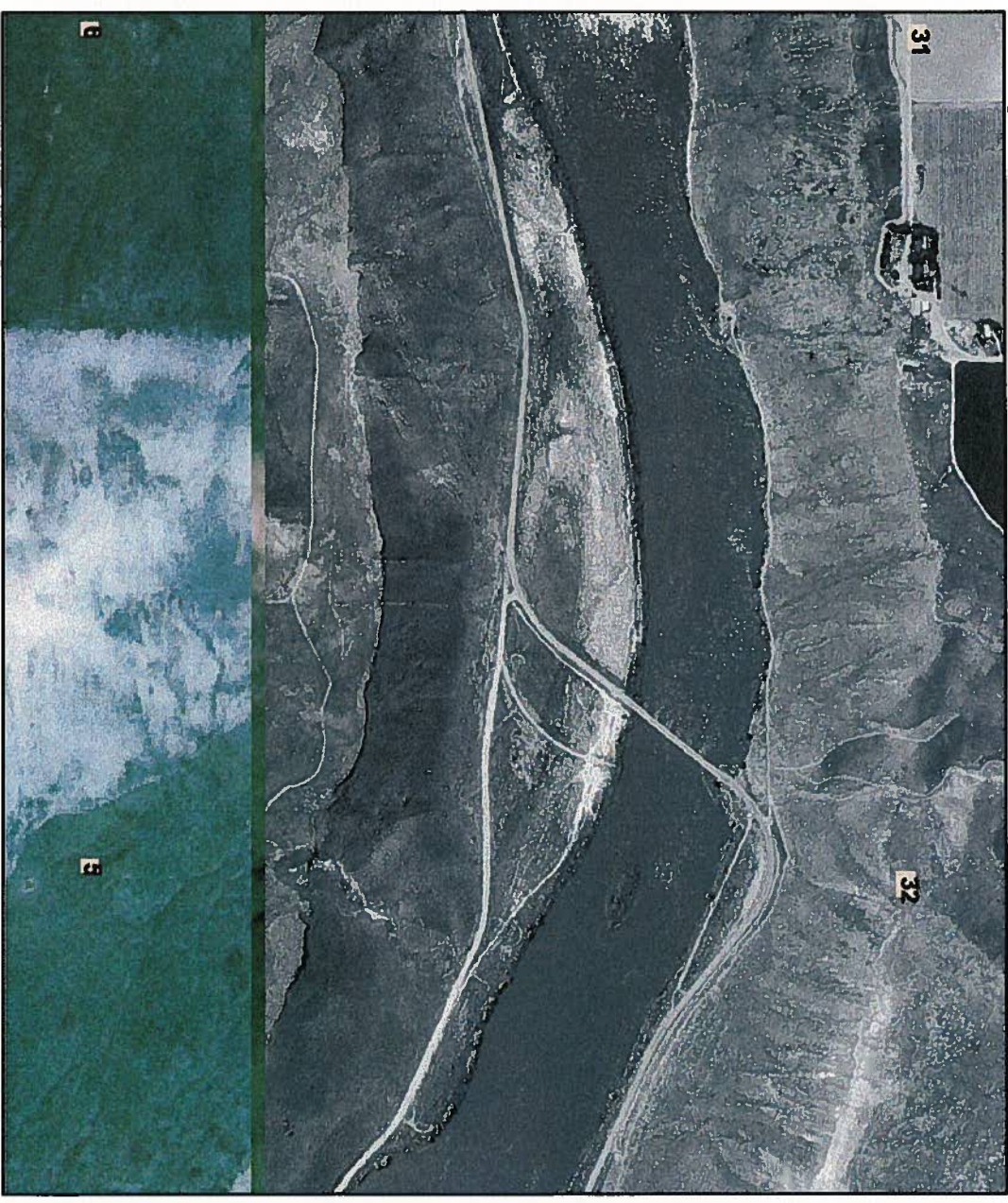


T05S R08E
T06S R08E

Adjudication Claim Number: **2-10014**



Owyhee County
IDWR Basin 2



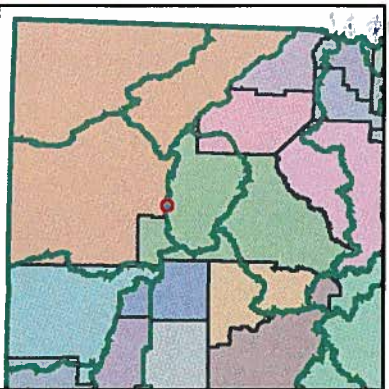
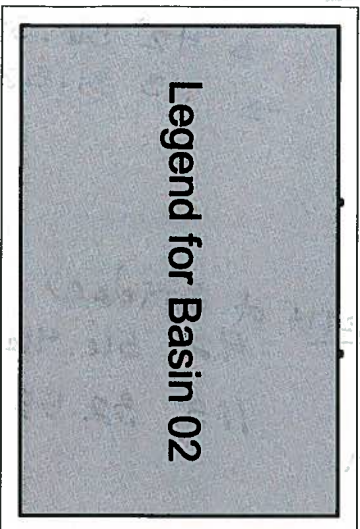
Prepared by M. Mount
On Wednesday, March 15, 2006
1998 DOQQ

Idaho Department of Water Resources



T05S R08E
T06S R08E

Adjudication Claim Number: **2-10014**



Prepared by M. Mount
On Wednesday, March 15, 2006
1998 DOQQ

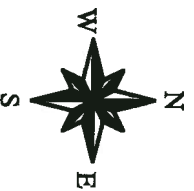
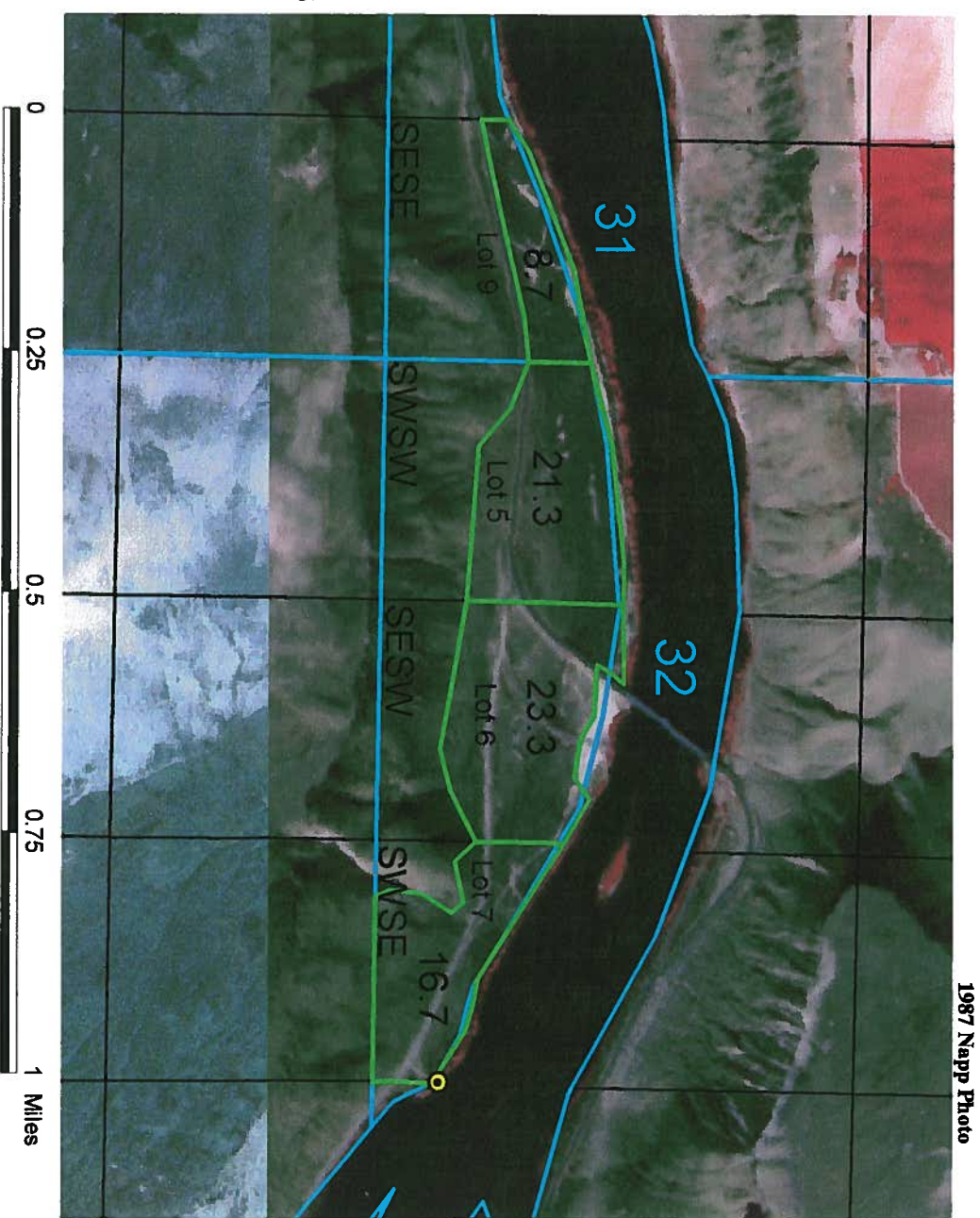
Idaho Department of Water Resources

Claim Number: 02-10014

Legal: T05S, R08E, S31, 32

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



To: Idaho Department of Water Resources
From: Leigh Alice Uhl
Date: February 11, 2006

Reference: Water Right No. 2-10014
Subject: Brief History of Property

This approximately 120 acre parcel was homesteaded by Arthur and Margaret Uhl in the early 1900's, approximately 1914. The original water right, 10670/02-2026, was filed for by Arthur E. Uhl and approved October 20, 1914. On September 13, 1917, we have a copy of a receipt for \$5.00 paid for by A. E. Uhl for 'proof's for WR 10670 received by the State Engineer – receipt no. 994. The water right was based on water being pumped from the Snake River for irrigation via pipe and ditches.

The property has remained in my family since homesteaded. It was passed down from Margaret Uhl to her three sons: Robert Uhl; Glenn Uhl and Joe Uhl with 1/3 undivided interest. I am the surviving spouse of Robert Uhl and thus maintain 1/3rd ownership. Glenn Uhl left his interest to his heirs, Gwen Kindstrom and Charles Uhl, each with 1/6th ownership. Joe Uhl passed his interest to his two heirs which have in turn sold their interest to Charles Uhl.

At this time the ownership is recorded as:

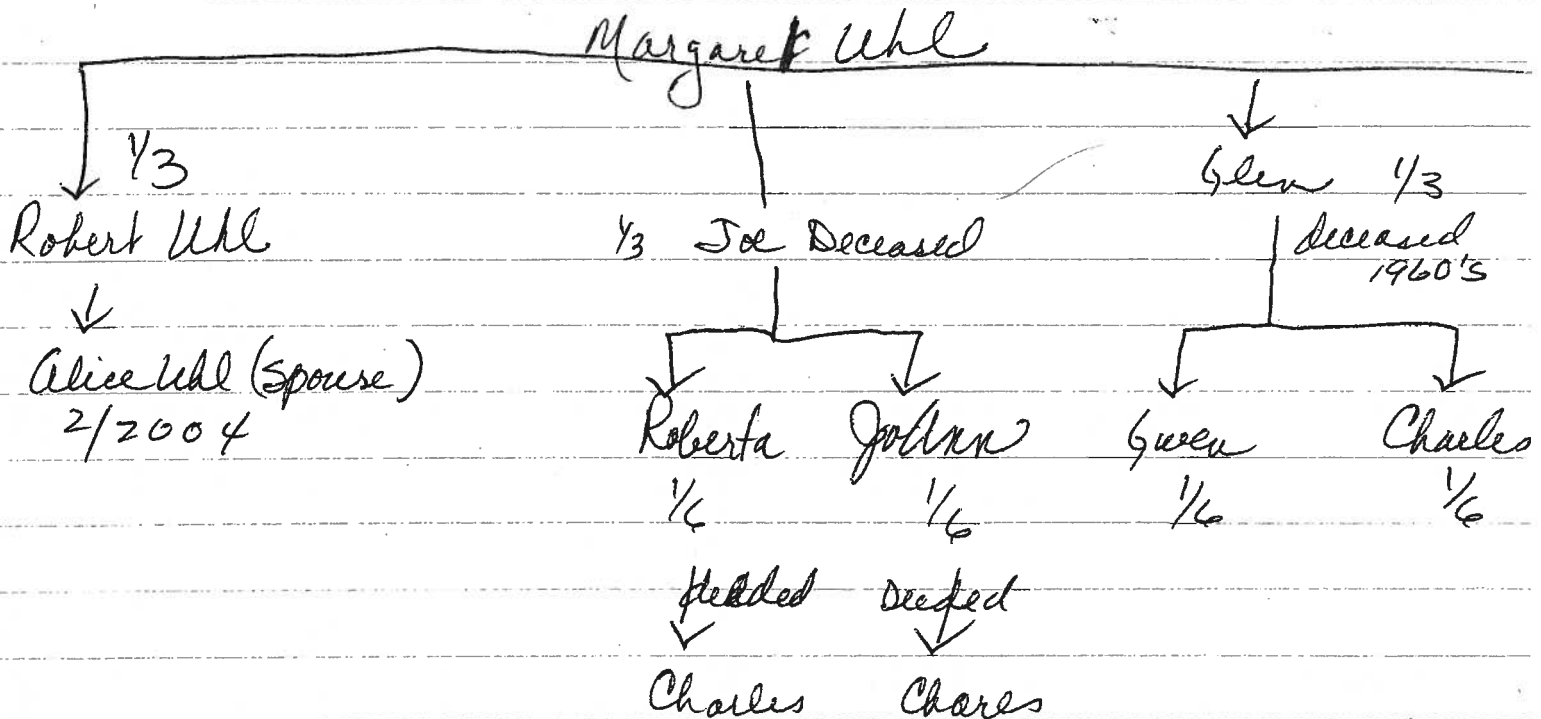
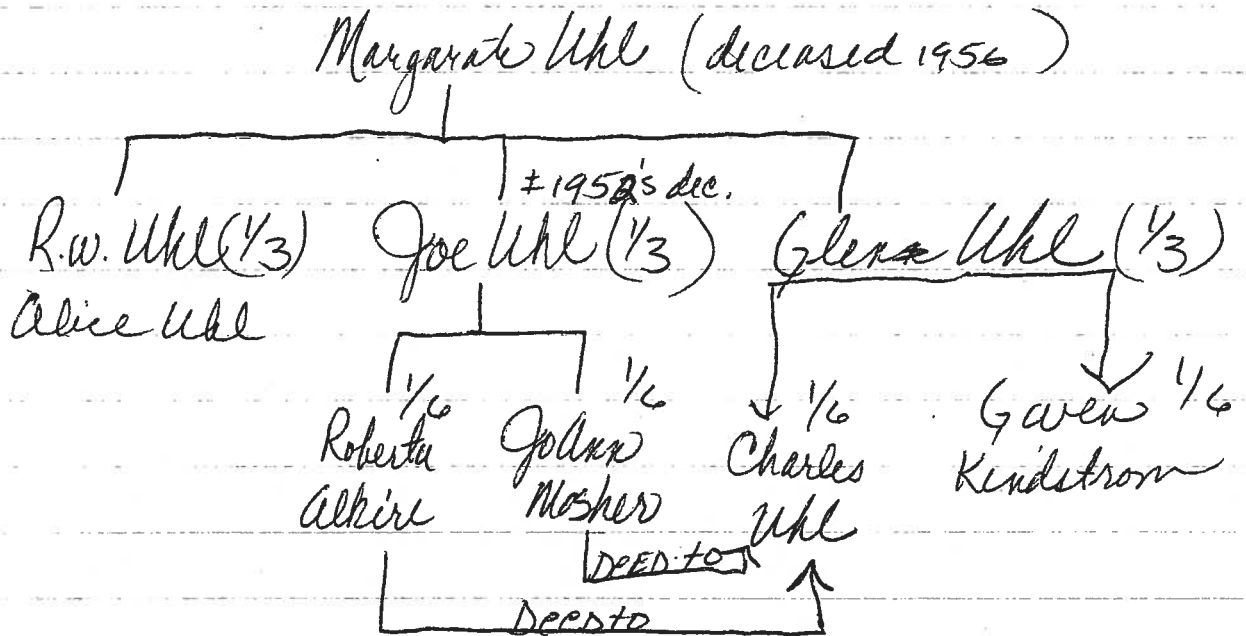
Alice Uhl – 1/3 undivided interest
Charles Uhl – 1/2 undivided interest
Gwen Kindstrom – 1/6 undivided interest

My husband, Robert Uhl, filed for the family with the ownership listed on the application, see attached, for the Snake River adjudication on 2/17/89 with a check for \$120.00 WR/NO: A02-10014. This water right was also based on water usage by pumping from the Snake River for irrigation. My father pointed out the location on the property where the pump had been placed by his parents and himself. The water was used primarily for irrigation to extend spring grazing.

We leased this property to a neighbor, Marvin Wooten, from November 1989 until December 31, 2005. He has at various times, cleared the sagebrush and irrigated a crop and most recently, just irrigated to extend the spring grazing period for livestock.

Leigh Alice Uhl

Joseph Uhl



• Robert 1/3
Gwen 1/6
Charles 1/6 + 1/6 + 1/6 = 3/6 = 1/2

LEASE AGREEMENT

This indenture, is made and entered into this February 6, 2004 (effective January 1, 2004), by and between ALICE UHL, GWEN KINDSTROM, AND CHARLES UHL, hereinafter referred to as "Lessors" and MARVIN AND NANCY WOOTEN, Husband and Wife, hereinafter referred to as "Lessees."

WITNESSETH

The Lessors are the owners of certain real property located in Elmore County, state of Idaho, and more particularly described as follows:

Lots, 5, 6, 7 of Section 32, Township Five South, Range Eight East.
Lot 9 of Section 31, Township Five South, Range Eight East.

WHEREAS, the Lessors desire to lease said property and the Lessees desire to lease the same for farming purposes.

THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto do agree as follows:

TERM: The term of this Lease shall be for the period of One Year, commencing January 1, 2004 and ending January 1, 2005.

CONSIDERATION: The Lessees shall pay, as and for the consideration for this Lease the sum of Two Hundred Dollars (\$200.00) in lawful money of the United States payable on February 6th, 2004.

USE OF PROPERTY: It is specifically understood and agreed by and between the parties hereto that the premises demised under this Lease consists of approximately seventy (70) acres of arable farm land. The Lessees do hereby covenant and agree that they shall farm, manage, use and operate the *said* premises and property in a *good* and husbandlike manner. Lessees do further covenant and agree to commit no waste nor to allow the commission of waste nor strip upon the said premises; to not remove nor permit the removal of gravel; to not dig, drill, or excavate nor permit same for any reason without the written consent of Lessors. Lessees do hereby covenant and agree that they will permit no mechanics' or materialness' lien to attach upon the demised premises nor to permit the encumbrance of said premises in any manner whatsoever, without the prior written consent of the Lessors.

The Lessees do hereby covenant and agree that all mineral and oil rights remain separate property of Lessors and are specifically excluded from this Lease.

The Lessees do hereby covenant and agree that should the water rights be denied at any time during the lease, the Lessors will be held harmless and no action will be taken to recoup expenses incurred or improvements made to the property.

The Lessees do hereby covenant and agree that all improvements permanently attached to the property, including fencing, shall remain with the property and remand to the Lessors.

TAXES AND ASSESSMENTS: The Lessors shall pay all taxes and water assessments against the said property for the term of this Lease and the Lessees shall pay all the charges and expenses incurred in connection with the operation of the farm.

Renewed
12/31/2005-
JM

RENEWAL OPTION: Upon the proper and timely performance of all of the covenants and obligations on the part of the Lessees to be performed pursuant to this Lease and at the expiration of the term herein provided, the Lessees shall have the option to renew this Lease, upon the same terms and conditions as herein provided, save and except that the annual cash rental shall be subject to negotiation by the parties at the expiration of the one (1) year term herein provided.

CANCELLATION OPTION: Lessees or Lessors may at any time cancel lease upon thirty day written notice. Upon cancellation, lease shall be prorated on a monthly basis and appropriate funds refunded to lessee.

REMEDIES FOR DEFAULT: Time is agreed to be of the essence in this lease and of any other agreement made pursuant hereto and for the performance of the Lessees obligations hereunder and is and shall be a condition to Lessees' right to a renewal option. In the event the Lessees shall fail to comply with any of the terms hereof, the Lessors shall first give the Lessees thirty (30) days notice, in writing, specifying wherein the Lessees have failed to comply with the terms hereof. This notice shall be delivered to the Lessees personally or may be sent to them by registered mail, addressed to them at the last post office address furnished by them or the Lessors. If sent by mail, this notice shall be considered served upon the Lessees upon the date it is deposited in the United States mail, with postage prepaid, registered or certified and addressed as above-described.

If the Lessees shall fail to correct such default within the thirty (30) day period, then the Lessors may, at their option, and without further notice, declare the whole unpaid balance of the rent price immediately due and payable and proceed at once to recover the same; or the Lessors may, at their option, bring an action in equity or at law for specific performances or damages.

ATTORNEY'S FEES: In the event it becomes necessary for either of the parties hereto to place this Lease in the hands of an attorney for enforcement of their rights hereunder after default of the other party; or to institute suit for the enforcement of their rights herein after such default, then the defaulting party agrees in such case to pay such attorney's fees incurred by the other party in addition to any other damages allowed by law.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals the day and year in this Lease first written.

Lessor, Agent Shawn McFadden

Date _____

Lessee: Marvin Wooten

Marvin Wooten

Date 2/6-04

Nancy Wooten

Nancy Wooten

Date 2/6/4

LEASE AGREEMENT

This indenture, is made and entered into this 16th day of November, 1989, by and between ROBERT W. UHL, GWEN KINDSTROM, CHARLES UHL, ROBERTA ALKIRE, AND JOANN MOSHER, hereinafter referred to as "Lessors" and MARVIN AND NANCY WOOTEN, Husband and Wife, hereinafter referred to as "Lessees."

W I T N E S S E T H

The Lessors are the owners of certain real property located in Elmore County, state of Idaho, and more particularly described as follows:

Lots 5, 6, 7 of Section 32, Township Five South, Range Eight East.

Lot 9 of Section 31, Township Five South, Range Eight East

WHEREAS, the Lessors desire to let said property and the Lessees desire to Lease the same for farming purposes.

NOW, THEREFORE, In consideration of the mutual covenants and agreements herein contained, the parties hereto do agree as follows:

TERM: The term of this Lease shall be for the period of five (5) years, commencing September 1, 1989 and ending January 1, 1995.

CONSIDERATION: The Lessees shall pay, as and for the consideration for this Lease the sum of One Dollar and no/100 (\$1.00), lawful money of the United States payable in annual installments as follows:

- a. The sum of One Dollar (\$1.00), lawful money of the United States payable on or before the 1st day of Sept., 1989 and;
- b. The sum of One Dollar (\$1.00), lawful money of the United States payable on or before the 1st day of Sept. 1990, 1991, 1992, 1993, and 1994.

USE OF PROPERTY: It is specifically understood and agreed by and between the parties hereto that the premises demised under this Lease consists of approximately seventy (70) acres of arable farm land. The Lessees do hereby covenant and agree ~~that~~ they shall farm, manage, use and operate the said premises and property in a good and husbandlike manner. Lessees do further covenant and agree to commit no waste nor to allow the commission of waste nor strip upon the said premises; to not remove nor permit the removal of gravel; to not dig, drill, or excavate nor permit same for any

reason without the written consent of Lessors. Lessees do hereby covenant and agree that they will permit no mechanics' or materialmens' lien to attach upon the demised premises nor to permit the encumbrance of said permises in any manner whatsoever, without the prior written consent of the Lessors.

The Lessees do hereby covenant and agree that all mineral and oil rights remain separate property of Lessors and are specifically excluded from this Lease.

The Lessees do hereby covenant and agree that should the water rights be denied at any time during the lease, the Lessors will be held harmless and no action will be taken to recoup expenses incurred or improvements made to the property.

The Leesees do hereby covenant and agree that all improvements permanently attached to the property, including fencing, shall remain with the property and remand to the Lessors. Specifically excluded are pumps and irrigation systems.

TAXES AND ASSESSMENTS: The Lessors shall pay all taxes and water assessments against the said property for the term of this Lease and the Lessees shall pay all the charges and expenses incurred in connection with the operation of the farm.

RENEWAL OPTION: Upon the proper and timely performance of all of the covenants and obligations on the part of the Leesees to be performed pursuant to this Lease and at the expiration of the term herein provided, the Lessees shall have the option to renew this Lease, upon the same terms and conditions as herein provided, save and except that the annual cash rental shall be subject to negotiation by the parties at the expiration of the five (5) year term herein provided. Should the property be offered for sale at the end of the lease term, the lessees shall have the first right to purchase the property.

REMEDIES FOR DEFAULT: Time is agreed to be of the essence in this lease and of any other agreement made pursuant hereto and for the performance of the Leesees obligations hereunder and is and shall be a condition to Leesees' right to a renewal option. In the event the Leesees shall fail to comply with any of the terms hereof, the Lessors shall first give the Lessees thirty (30) days notice, in writing, specifying wherein the Lessees have failed to comply with the terms hereof. This notice shall be delivered to the Lessees personally or may be sent to them by registered mail, addressed to them at the last post office address furnished by them or the Lessors. If sent by mail, this notice shall be considered served upon the Lessees upon the date it is deposited in the United States mail, with postage prepaid, registered or certified and addressed as above-described.

If the Lessees shall fail to correct such default within the thirty (30) day period, then the Lessors may, at their option, and without further notice, declare the whole unpaid balance of the

rent price immediately due and payable and proceed at once to recover the same; or the Lessors may, at their option, bring an action in equity or at law for specific performances or damages.

ATTORNEY'S FEES: In the event it becomes necessary for either of the parties hereto to place this Lease in the hands of an attorney for enforcement of their rights hereunder after default of the other party; or to institute suit for the enforcement of their rights herein after such default, then the defaulting party agrees in such case to pay such attorney's fees incurred by the other party in addition to any other damages allowed by law.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals the day and year in this Lease first written.

Robert W. Uhl
Lessor, Agent

Lessor, Agent

Henry M. Lindstrom
Lessor, Agent

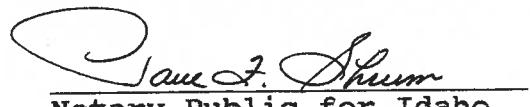
Marvin Wooten
Lessee

Nancy Wooten
Lessee

STATE OF IDAHO)
County of *ELMORE*)

On this 16th day of November, 1989, before me,
the undersigned, a Notary Public in and for said State, personally
appeared MARVIN WOOTAN & NANCY WOOTAN, known to me
to be the persons whose names are subscribed to the foregoing
instrument, and acknowledged to me that they executed the same.

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



Notary Public for Idaho

Residing at Glenns Ferry, IDAHO 83623
My Commission Expires 12-16-94

State of Idaho

County of Ada

On this 23rd day of July, 1990, before me,
the undersigned, a Notary Public in and for said State, personally
appeared Llew Kindstrom, known to me to be the
person whose name is subscribed to the foregoing instrument, and
acknowledged to me that she executed the same.

Barbara E. Maxwell

Notary Public for Idaho
Residing at Boise, ID

My Commission expires 7/25/93

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: A02-10014

Date Received:

Receipt No: _____

Received By: _____

COPIES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT W. UHL
Address: % GWEN KINDSTROM
5150 MT. VIEW DR.
BOISE, ID 83706 208-375-2193

2. Date of Priority: SEP 21, 1914

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05S	08E	31		7	OWYHEE

5. Description of diverting works:
STREAMSIDE PUMP W/PIPELINE AND/OR DITCHES TO IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	08E	31		9	IRR	15.0
Section Acres						15.0

A02-10014

Page 1

Date: 01/05/89

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	08E	32		5	IRR	25.0
				6	IRR	25.0
				7	IRR	5.0
					Section Acres	55.0
					Total Acres	70.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON AN APPLICATION FOR PERMIT 02-02026 WHICH WAS CANCELLED IN 1972 FOR FAILURE TO SUBMIT PROOF OF BENEFICIAL USE. THE PRIORITY DATE IS THE SAME AS THE APPLICATION FOR PERMIT AND THIS CLAIM IS BEING FILED AS A BENEFICIAL USE RIGHT. ELR

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: 1/11/89

[Redacted Signature]

Date: 1-11-89

State of ~~Idaho~~ ARIZ)
County of Yuma) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of JAN. 19 89

[Signature]
Notary Public

Seal

Residing at Yuma AZ

My Commission Expires 8-23-92

* And/Or Gwen Kindstrom
And/Or Chuck Uhl
And/Or Roberta Alkire
And/Or JoAnn Moser
As additional Heirs and Assigns

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-10014

WATER RIGHT NUMBER: 2-10014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT W UHL C/O GWEN KINDSTROM 2412 ROBERT ST BOISE, ID 83705-4101 (208)3459460

Priority Date: 09/21/1914
 Basis: Beneficial Use
 Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.440 CFS	
	<u>Total Diversion:</u>	2.440 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	L7 ()	Sec. 31, Twp 05S, Rge 08E, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	08E	31																	
05S	08E	32																	

Total Acres: 70

Conditions of Approval:

- THIS CLAIM IS BASED ON AN APPLICATION FOR PERMIT 02-02026 WHICH WAS CANCELLED IN 1972 FOR FAILURE TO SUBMIT PROOF OF BENEFICIAL USE. THE PRIORITY DATE IS THE SAME AS THE APPLICATION FOR PERMIT AND THIS CLAIM IS BEING FILED AS A BENEFICIAL USE RIGHT. ELR

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-10014

Dates and Other Information:

Claim Received Date: 1/20/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

DEPARTMENT OF WATER ADMINISTRATION

Statehouse Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 10670/02-2026)
IN THE NAME OF A. E. Uhl)
_____)

ORDER OF CANCELLATION

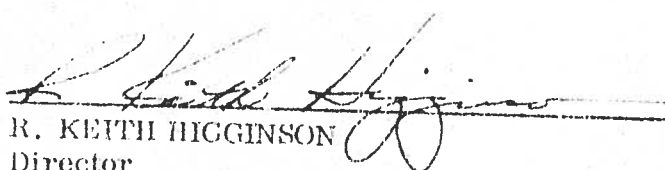
WHEREAS, the permit holder has failed to submit proof of beneficial use of
water due on October 20, 1919 ; and,

WHEREAS, on August 1, 1972, notice was sent to the holder of said permit
to appear before the Director of the Department of Water Administration on or before
September 11, 1972, to show cause why said permit should not be cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the requirements of
said permit and has not shown adequate cause why such permit should not be cancelled;

IT IS THEREFORE ORDERED and Permit 10670/02-2026 is hereby CANCELLED.

Dated this 25th day of September, 19 72.


R. KEITH HIGGINSON
Director

State Engineer of State of Idaho August 11, 1917. Let to Nov 21, 1917.

State Engineer of State of Idaho

State Engineer of State of Idaho

APPROVAL OF STATE ENGINEER

File No. of the permit is 10670

Permit No. 26

Page 10670

Approved October 21, 1917.

I hereby certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitation, and condition, to be filed on or before

November 19, 1917

and to continue diligently and continuously

the work above specified to be completed on or before April 30, 1918.

the work above specified to be completed on or before October 31, 1917.

the work above specified to be completed on or before October 31, 1917.

Witness my hand this 20th day of November, 1917.

Harbor Water,

Acting State Engineer

Proof of completion of work made August 11, 1917.

Certificate of completion of work issued September 17, 1917.

Permit No. 10670.

CERTIFICATE OF COMPLETION OF WORK

I hereby certify that

that to certify that A. J. Hall of Valley, County of Idaho, and State of Idaho, the holder of Permit No. 10670, issued upon Application No. 1,000, bearing date of August 11, 1917, authorizing the diversion of 7,000 feet of water of public waters of the State of Idaho, for irrigation and domestic purposes, has fully complied with the terms of the said permit, and that the said permit is hereby approved and renewed for the term of one year, to-wit: from and after the 11th day of August, 1917, to the 11th day of August, 1918, and that the lands proposed to be irrigated by the said permit are described as follows, to-wit: 70 acres of land in holding of the State of Idaho, and to-wit: 70 acres of land in holding of the State of Idaho.

Witness my hand this 17th day of September, A. D. 1917.

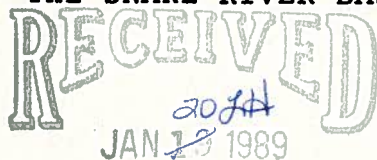
J. H. Smith,

State Engineer of the State of Idaho.

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: A02-10014

Date Received: 1-20-89

Receipt No: W2219

Received By: E

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT W. UHL 208-375-2193
Address: % GWEN KINDSTROM
5150 MT. VIEW DR.
BOISE, ID 83706

2. Date of Priority: SEP 21, 1914

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05S	08E	31		7	OWYHEE

5. Description of diverting works:
STREAMSIDE PUMP W/PIPELINE AND/OR DITCHES TO IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	08E	31		9	IRR	15.0
Section Acres						15.0

A02-10014

Page 1

Date: 01/05/89

MICROFILMED
AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	08E	32		5	IRR	25.0
				6	IRR	25.0
				7	IRR	5.0
					Section Acres	55.0
					Total Acres	70.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON AN APPLICATION FOR PERMIT 02-02026 WHICH WAS CANCELLED IN 1972 FOR FAILURE TO SUBMIT PROOF OF BENEFICIAL USE. THE PRIORITY DATE IS THE SAME AS THE APPLICATION FOR PERMIT AND THIS CLAIM IS BEING FILED AS A BENEFICIAL USE RIGHT. ELR

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): * Robert W Uhl Date: 1/11/89
Leigh Alice Uhl Date: 1-11-89

State of ~~Idaho~~ ARIZ)
County of Yuma) SS.

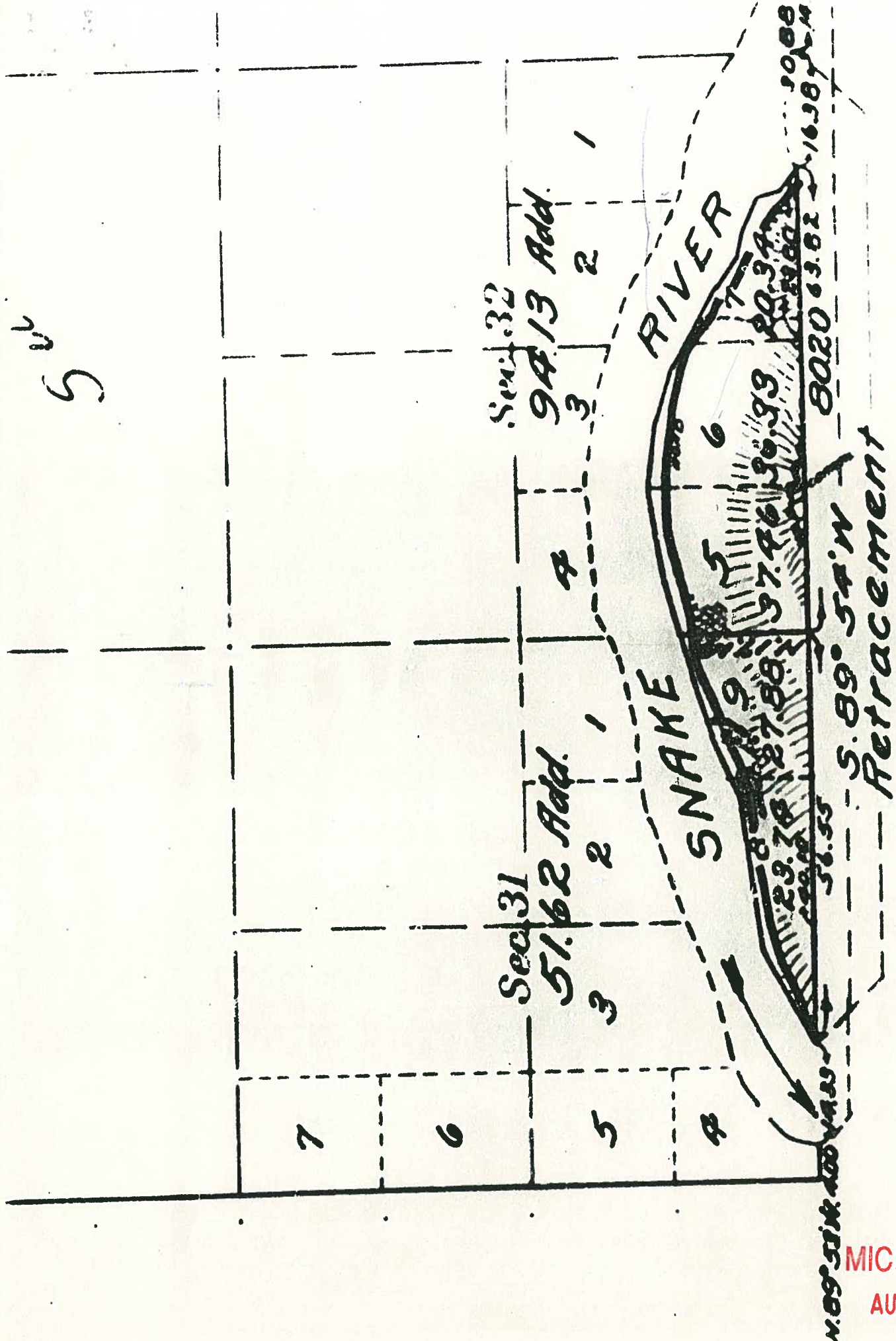
Subscribed and sworn (or affirmed) before me this 11 day
of JAN. 19 89 Ernest J. Zink
Notary Public

Seal

Residing at Yuma AZ
My Commission Expires 8-23-92

* And/Or Gwen Kindstrom
And/Or Chuck Uhl
And/Or Roberta Alkire
And/Or JoAnn Moser
As additional Heirs and Assigns

5



MICROFILMED
AUG 10 1992

Robert W. Uhl
C/O Gwen Kindstrom
5150 Mtn. View Drive
Boise, Idaho 83706



Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

MICROFILMED
AUG 10 1992

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-10014

Date: 7-30-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	5S	8E	31																-9 15	15
GIS																			8.7	8.7
Claim			32											-5 25	-6 25			-7 5		55
GIS														21.3	23.3			16.7		61.3
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 70

Overlapping FOU Claim #'s:

Total GIS Acres: 70

COMMENTS:

Per claim map + image interpretation.

POD - I placed the POD in section 32 lot 7 as a guesstimate
since the Snake River doesn't run near lot 7 in section
31.

Idaho Department of Water Resources

Claim Number: 02-10014
Legal: T05S, R08E, S31, 32
Reviewed By:

● Point of Diversion



Place of Use

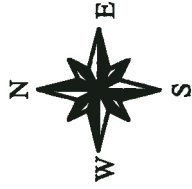
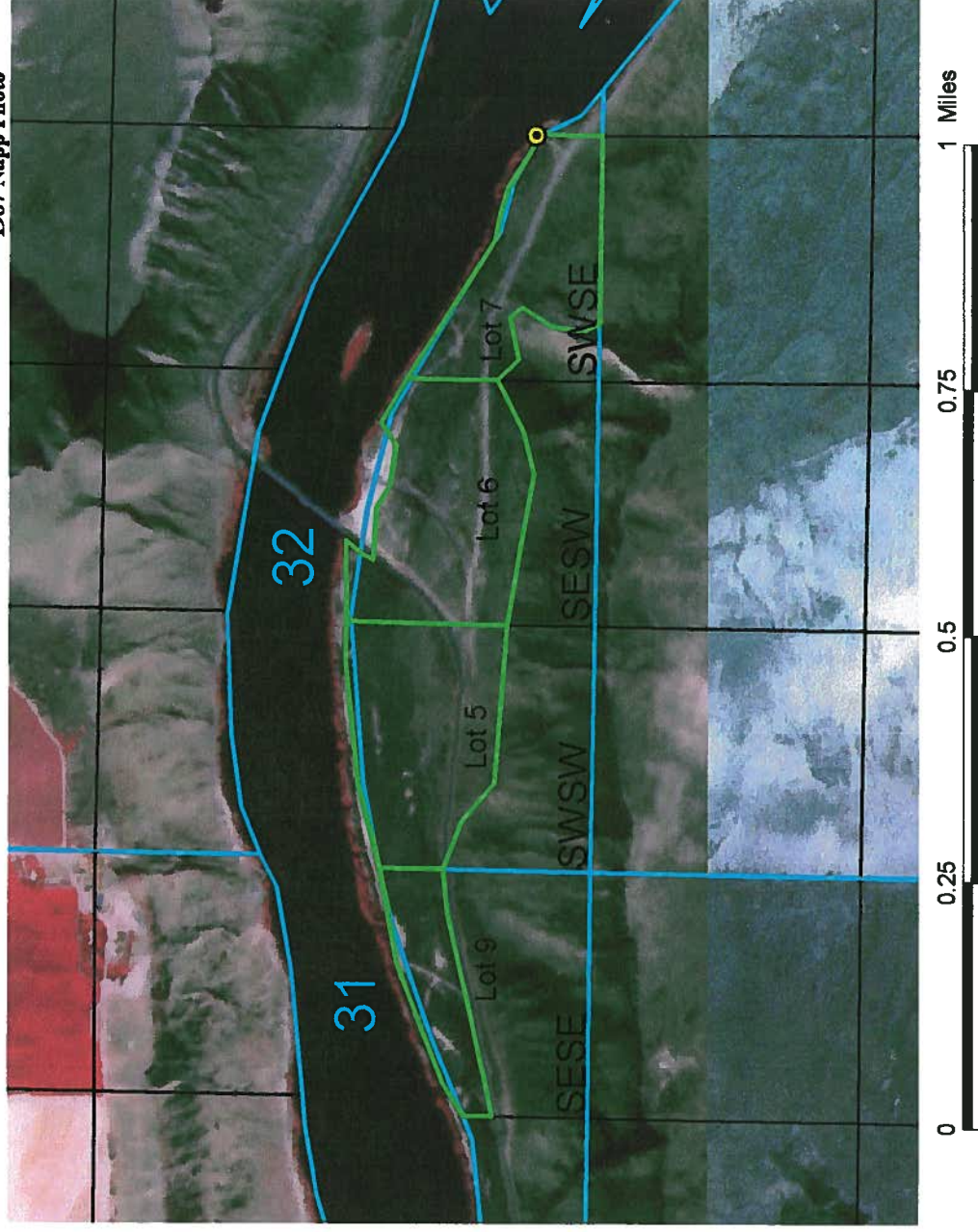


Section Lines



Quarter Quarter Lines

1987 Napp Photo





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

July 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

AUG 14 2000

Department of Water Resources

Robert W. Uhl
c/o Gwen Kindstrom
2412 Robert St.
Boise ID 83705-4101

Re: Snake River Basin Adjudication (SRBA)
Water Right #A02-10014

second modification 8-16-00

Dear Water Right Holder:

We have been advised the address for you 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(s) can be sent only to the address on your water right(s) 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 and list any other water rights you may have before returning this letter by August 14, 2000. 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 rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

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

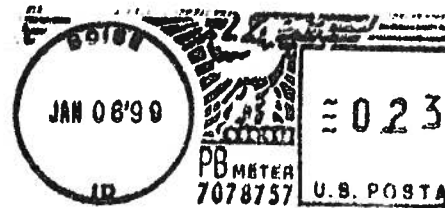
Gwen M. Kindstrom
Water Right Holder's Signature

345-9460
Telephone No.

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

RETURN TO SENDER
REQUESTED

PRESORTED
FIRST CLASS



*A02-10014
mg WRC*

ROBERT W UHL
% GWEN KINDSTROM
5150 MT VIEW DR
BOISE ID 83706

RECEIVED
JAN 11 1999
Department of Water Resources

KIND150 837042003 1797 08 01
FORWARD TIME EXP RTN TO SEND
KINDSTROM
2412 ROBERT ST
BOISE ID 83705-4101

AUTO 837 

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-10014

WATER RIGHT NUMBER: 2-10014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT W UHL C/O GWEN KINDSTROM 2412 ROBERT ST BOISE, ID 83705-4101 (208) 3459460

Priority Date: 09/21/1914

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.440 CFS	
	<u>Total Diversion:</u>	2.440 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	L7 ()	Sec. 31, Twp 05S, Rge 08E, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	08E	31																	
05S	08E	32																	

Total Acres: 70

Conditions of Approval:Remarks:

- General THIS CLAIM IS BASED ON AN APPLICATION FOR PERMIT 02-02026 WHICH WAS CANCELLED IN 1972 FOR FAILURE TO SUBMIT PROOF OF BENEFICIAL USE. THE PRIORITY DATE IS THE SAME AS THE APPLICATION FOR PERMIT AND THIS CLAIM IS BEING FILED AS A BENEFICIAL USE RIGHT. ELR

Comments:

06/18/2003

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

RIGHT NUMBER: 2-10014
NAME AND ADDRESS: ROBERT W UHL
C/O GWEN KINDSTROM
2412 ROBERT ST
BOISE ID 83705-4101

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

*Disallow
Scott King
June 18, 2003*

DATE APRIL 29, 1981

OLD # 10670 NEW # 02-2026

FILED BY A.E. VHL SEP 21, 1914

GOT AS FAR AS SUBMISSION OF COMP.
OF WORKS IN SEPT 1917. & DIV OF
ICGS ON 70 ACRES

CANCELLED 25 SEP. 1972 77 U-2 INDICATES
NO TRAIL ON LOTS INVOLVED.

MR VHL'S GRANDDAUGHTER WAS IN

REGARDING THIS RIGHT NEAR HAMMETT

SHE IS ONE-SIXTH OWNER OF THE

APPROX 120 ACRES BELONGING ORIGINALLY
TO MR VHL. SHE DOESN'T KNOW IF ANY
OF THE RIGHT HAS BEEN EXERCISED
SINCE THE EARLIER DATES OR NOT.

SHE WILL CHECK WITH AN UNCLE
WHO IS CLOSER TO LAND & DETERMINE
IF THEY NEED TO FILE ADJUDICATION
CLAIM.

GRAND-DAUGHTER:

GWEN KINDSTROM
5150 MTN. VIEW DR.
BOISE ID. 83704
PH. 375-2193

IN CASE ANYTHING CHANGES LET MS KINDSTROM
KNOW. F.L.

02-2026 R.E.UHL.

56-2103

15626

SCHMID

PD's

SESE 31 55 8E

02-7161 SIERRA DEV. CORP. OASIS IRR. ASSN.

02-7191 POT HOLE CANAL ASSN.

02-7197 " " "

02-7209 OASIS IRR. ASSN.

LT 9 (SESE) 31 55 8E

NONE

PDs

SWSW 32 55 8E

02-7063A P LEAVELL (7-L CATT. CO.) CON. GEN. ASSN.

LT 5 (SWSW) 32 55 8E

NONE

SESW 32 55 8E

NONE

LT 6 (SESW) 32 55 8E

NONE

SWSE 32 55 8E

NONE

LT 7 (SWSE) 32 55 8E

NONE.

DZ-2026 A.E.UHL

PUTR 4 LT
SE SE4 (LT9) S 31 55 8E
SE SE 0
LT 9 0

PUTR 4 LT
SWSW4 (LT5) S 32 55 8E
SWSW-0
LT 5-0

PUTR 4 LT
SESE4 (LT6) S 32 55 8E
SESW-0
LT 6-0

PUTR 4 LT
SWSE4 (LT7) S 32 55 8E
SWSE-0
LT 7-0

77 U-2 SHOWS NO IRRIGATION
IN LOTS INVOLVED. RIGHT PROBABLY
NOT VALID FOR BENEFICIAL-USE
EITHER. 5/7/82 

APPLICATION FOR PERMIT
To appropriate the Public Waters of the State of Idaho

1. Name of applicant: **A. E. Uhl**

Postoffice address: **Oakley**

County: **Cassia**

State: **Idaho**

- I. If applicant is a corporation, give:
(a) Date and place of incorporation;
(b) The amount of capital stock;
(c) The amount paid in;
(d) Names and addresses of directors.

- II. The financial resources of the applicant are: (a) Cash on hand;
(b) Treasury stock; (c) Bonds to be issued;
(d) Other resources:

2. The quantity of water claimed is **3** cubic feet per second.

3. Source of water supply: **Unaka River**

4. Location of point of diversion: **SW 4 Sec. 32, T. 5 S. R. 6 E. S. 4.**

5. To be used for: **Irrigation and Domestic Use**

County of **Oneida**

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: **122.1** acres.
(b) In the following legal subdivisions: **lots 5, 6, and 7 Sec. 32, and lot 9 Sec. 31 T. 5 S. R. 6 E. S. 4.**

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

R. head

(c) Is water to be returned to any stream?
return

(d) If so, name stream and locate point of

6. Estimated cost of works: **\$1000.00**

7. Description of works for diversion:

I. Kind of works: **centrifugal pump driven by an electric motor.**

II. Dimensions of works:

(a) Height of dam feet, length of dam at top feet,
length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acre feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit Ditch & pipe width at bottom 8 feet,

width at water line 3 feet, depth of water 2 feet; diameter of pipe

6 inches; average grade per mile is 40 feet. Length of conduit is 1 miles,

and it crosses the following quarter sections: **lots 5, 6 and 7 Sec. 32 and lot 9, Sec. 31, T. 5 S. R. 6 E. S. 4.**

8. The time required for the completion of the construction of such work is **three** years.

9. Time required for the complete application of the water to the proposed use is **two** additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

A. E. Uhl,

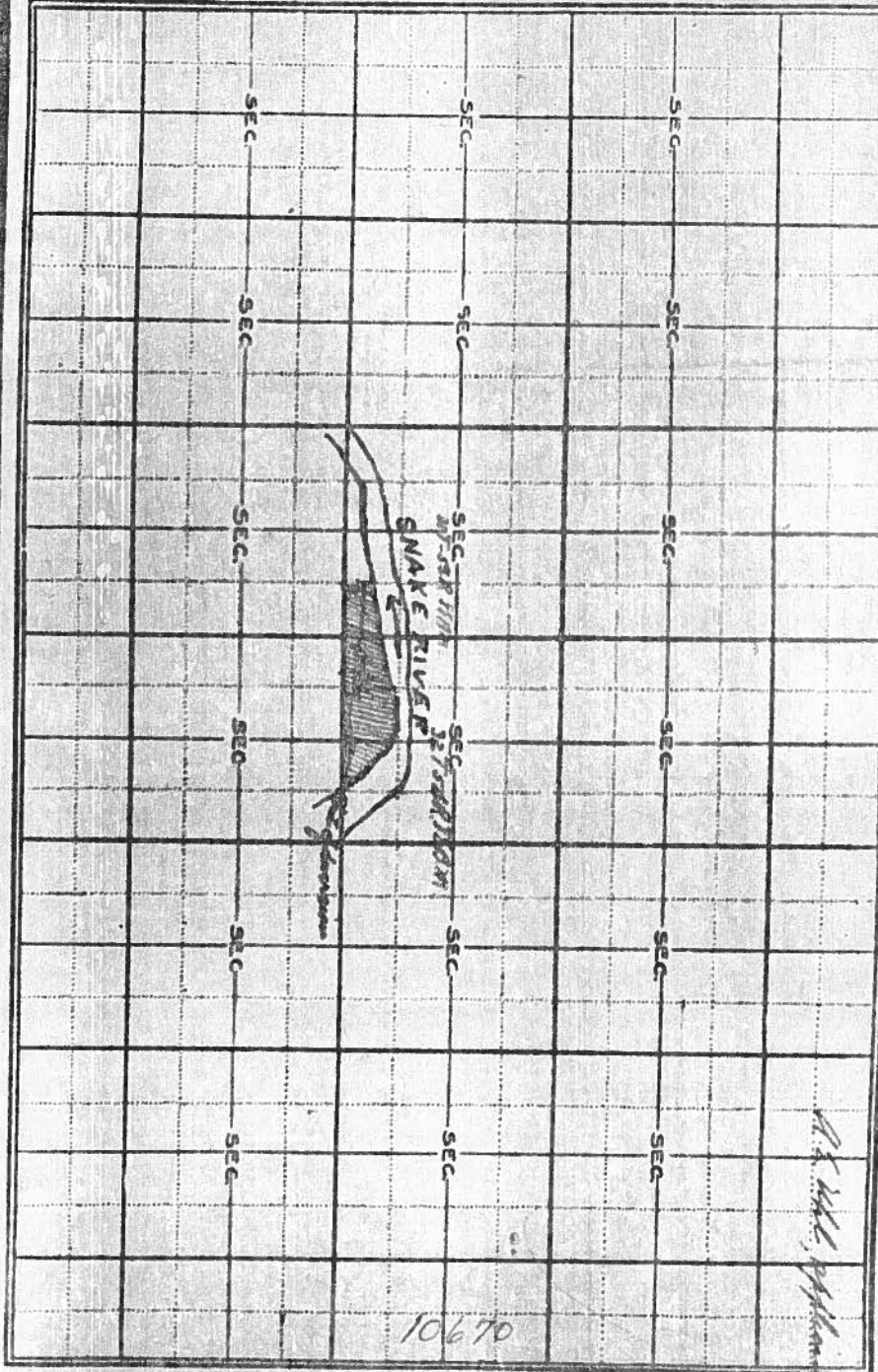
Applicant.

By **V. B. Carter**

Agent.

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

Printed and for Sale by the Government Printing Co., Wash. D.C.



A. S. M. L. P. H. M. L.

10670

10670

Date of first receipt at office of State Engineer 3.00 P. M. September 21, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10670. Approved October 20, 1914.
Recorded in Book 36 Page 10670. This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$1000.00 to be filed on or before December 19, 1914, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
Work to begin on or before December 19, 1914, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before April 20, 1916.
The whole of said work to be completed on or before October 20, 1917.
Beneficial use of water appropriated in accordance herewith to be made on or before October 20, 1919.

Witness my hand this 20th day of October, 1914.

Herbert Wing,

Acting State Engineer.

Remarks:

Proof of completion of works made August 22, 1917.

Certificate of completion of works issued September 17, 1917.

Permit No. 10670.

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that A. E. Uhl of Oakley, County of Cassia, and State of Idaho, the holder of Permit No. 10670, issued upon Application No. 15700 bearing date of priority of Sept. 21, 1914, authorizing the diversion of 1 second foot of the waters of Snake River County of Owyhee, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one (1) second foot of the waters of Snake River; that the point of diversion of said waters is in the SW 1/4 Sec. 32, T. 5 S., R. 8 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 70 acres of land in Lots 6, 8 and 7, Sec. 32, and Lot 9, Sec. 31, T. 5 S., R. 8 E. B. M.

Witness my hand this 17th day of September, A. D. 1917.

J. H. Smith,

State Engineer of the State of Idaho.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 10670/02-2026)
IN THE NAME OF A. E. Uhl)

ORDER OF CANCELLATION

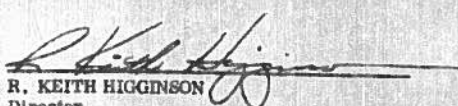
WHEREAS, the permit holder has failed to submit proof of beneficial use of
water due on October 20, 1919 ; and,

WHEREAS, on August 1, 1972, notice was sent to the holder of said permit
to appear before the Director of the Department of Water Administration on or before
September 11, 1972, to show cause why said permit should not be cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the requirements of
said permit and has not shown adequate cause why such permit should not be cancelled;

IT IS THEREFORE ORDERED and Permit 10670/02-2026 is hereby CANCELLED.

Dated this 25th day of September, 19 72.


R. KEITH HIGGINSON
Director