

PAGE 1

CERTIFICATE OF MAILING

I certify that on 2-10-00 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

PATRICK D BROWN PC
109 S ADAMS
JEROME ID 83338

MICHAEL M MALONEY
PATRICIA A MALONEY
BOX 4870
SMITHERS BC
CANADA // V0J2N-0

JAMES BENNETTS
PO BOX 36
CHALLIS ID 83227

R LEE LEININGER
550 W FORT ST MSC 033
BOISE ID 83724
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/26/2000

72-00230D, 72-10359 and 72-16554

PAGE 3

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-26-2000
PAGE: A-4-----
RIGHTS FROM: SOURCE: UNNAMED SPRING TRIBUTARY: ROAD CREEK

RIGHT NUMBER: 72-10359

NAME & ADDRESS: MICHAEL M MALONEY
PATRICIA A MALONEY
BOX 4870
SMITHERS BC
CANADA // VOJ2N-0

SOURCE: UNNAMED SPRING TRIBUTARY: ROAD CREEK

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1935

POINT OF DIVERSION: T10N R18E S24 NENW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CUSTER County
T10N R18E S24 NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

AJ5856NP

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

DATE: JAN-26-2000
PAGE: A-5

RIGHTS FROM: SOURCE: UNNAMED SPRING TRIBUTARY: ROAD CREEK

RIGHT NUMBER: 72-10359 (CONT)

EXPLANATORY MATERIAL: (CONT)
PARCEL NO. RP000400020080A
PROPERTY ALSO KNOWN AS LOT 8, BLOCK 2, EAST FORK SUBDIVISION

(REGIONAL)

DIVERSION
VOLUME

01-01 12-31	0.040 CFS

TOTAL DIVERSION:	0.040 CFS

Stage: BENEFICIAL USE

CUSTER County

SE

[illegible]

Other Rights: WELL CURRENTLY BEING PUT IN USE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY

* GALLONS PER DAY.

C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER

- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATERWAYS IN BASIN 72.

- RIGHTS IN BASIN (2)

WATER RIGHT NO.	SOURCE
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NONE

- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER

- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

- RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
1	1
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100	100

- NONE

- ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES

- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

- CONJUNCTIVELY.

PARCEL NO. RP000400020080A
PROPERTY ALSO KNOWN AS LOT 8, BLOCK 2, EAST FORK SUBDIVISION

AJ0749NP
No. 72-10359

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

DATE: 01/25/00
PAGE: 2

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

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

Comments: Date: 01/14/1997 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Date: 09/11/1998 User-ID: VHANCOCK Subject: FIELD EXAM
FIELD EXAM ON 9-2-98 VERIFIED USE OF AND LOCATION OF SPRING BY
V. HANCOCK AND K CHRISTENSEN. WATER USED TO IRRIGATE LAWN AT
RESIDENCE.

Date: 11/21/1998 User-ID: AUJ10-DS Subject: AUJ10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART
OF RECORD THRU AUJ10.

Date: 01/25/2000 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: D1/25/00 SSHERMAN



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

December 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

*called - said mail takes 3
wks to arrive.*

Michael M. Maloney
Patricia A. Maloney
Box 4870
Smithers, BC Canada VOJ2N0

RECEIVED

JAN 24 2000

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Rights #72-00176J, 72-00230D, 72-04230, 72-10359 & 72-16554

Dear Water Right Holders:

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 January 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.

Water Right Holder's Signature

Patricia A. Maloney

Telephone No.

250-847-01

Dept. of Motor Vehicles
Adjudication Bureau
P. O. Box 89720
Boise, ID 83720-0098



ADDRES SERVICE
REQUESTED



MAL0108 832273007 1199 02 02/02/99
MALONEY BOX 4870 BC CANADA V0J2N0
SMITHERS
MICHAEL M MALONEY
PATRICIA A MALONEY
PO BOX 108
CLAYTON ID 83227

72-001765
V-002304D
V-04230
V-10359
V-16554

November 20, 1998

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-10359

MICHAEL M MALONEY
PATRICIA A MALONEY
HC 68 BOX 349
CLAYTON ID 83227

Daytime Telephone Number: 208-896-4933
Evening Telephone Number:

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

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

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

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-7-98

SIGNATURE:

Please print your name:

Michael M. Maloney
Patricia A. Maloney
Patricia A Maloney
MICHAEL M. MALONEY

Water Right Number - R72-10359

Prefix Translation:

RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MALONEY

MICHAEL M

1 - HC 68 BOX 349
2 -
3 -

State- ID Zip- 83227

MALONEY

PATRICIA A

City- CLAYTON
Phone - 208-838-2428
1 - HC 68 BOX 349
2 -
3 -
City- CLAYTON
Phone - 208-838-2428

State- ID Zip- 83227

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/01/1935 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + - - - - - Tributary - - - - - +
UNNAMED SPRING ROAD CREEK

+ - - - - Trn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - +
10N 18E 24 NE NW (37) CUSTER

+ - - - - Code Description Period from Period to Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
43 - DOMESTIC 01/01 12/31 0.040

+ - - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0

+ - - - - Trn Rng Sec Tract Lot Acres Code Description County - - - - - +
10N 18E 24 NW NW 43 DOMESTIC (37) CUSTER

Total Acres:

+ - - - - Diversion Means - HEAD BOX IN SPRING, 1000' OF 2" PLASTIC PIPE TO HOUSE.

+ - - - - Non-Irrigation Use - 1 HOME

+ - - - - Other Rights for Same Use - WELL CURRENTLY BEING PUT IN USE.

+ - - - - Remarks - - - - - +

EXP PARCEL NO. RP000400020080A
PROPERTY ALSO KNOWN AS LOT 8, BLOCK 2, EAST FORK SUBDIVISION

Water right number - R72-10359

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
+ - - - - No Old Water Right Numbers Found - - - - - +

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - - - Decree Date - - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 01/14/1997 User Id: DS1-PROD Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
ANY GEN REMARK CHANGED TO AN EXP REMARK.
Date: 09/11/1998 User Id: VHANCOCK Subject: FIELD EXAM
FIELD EXAM ON 9-2-98 VERIFIED USE OF AND LOCATION OF SPRING BY V. HANCOCK AND K CHRISTENSEN. WATER USED TO IRRIGATE LAWN AT
RESIDENCE.

+ - - - - Audit Fields - - +
11/12/98 VHANCOCK

+ - - - - 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 - 11/12/1998 Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Temporary Right - P
Claim Received Date - 01/03/1990 Receipt Number - S010814 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -

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: A72-10359
Date Received: 1/03/1990
Receipt No: S010814
Received By: B. V. N.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL M. MALONEY 208-838-2428
Address: HC 68 BOX 349
CLAYTON, ID 83227

OR

Name: PATRICIA A. MALONEY 208-838-2428
Address: HC 68 BOX 349
CLAYTON, ID 83227

2. Date of Priority: JAN 01, 1935

3. Source: UNNAMED SPRING Trib. to: ROAD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	18E	24	NE	NW			CUSTER

5. Description of diverting works:
HEAD BOX IN SPRING, 1000' OF 2" PLASTIC PIPE TO HOUSE.

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

A72-10359

Page 1

Date: 01/03/90

MICROFILMED
MAR 19 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	18E	24	NW	NW		DOMEST	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
WELL CURRENTLY BEING PUT IN USE.

14. Remarks:
LOT 8, BLOCK 2, EAST FORK SUBDIVISION

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A72-10359
Date Received 12-26-89
Receipt Number 5010814NOTICE OF CLAIM
TO A
WATER RIGHTACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

RECEIVED

DEC 26 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) MICHAEL M. MALONEY or PATRICIA A. MALONEY Phone (208) 838-2428Mailing Address HC 68, Box 349, Clayton, Idaho Zip 832272. Date of Priority (Only one per claim) 01/01/1935 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other (x) (a) Unnamed spring
which is tributary to (b) Road Creek Name or kind of source4. Location of point of diversion is: Township 10 N Range 18 E
Section 24, 1/4 of NE 1/4 of NW 1/4, Govt. Lot , BM.,
County of CusterAdditional points of diversion if any: 5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Headbox (cement at spring) approximately 1000 feet of 2-inch plastic pipe
to house and yard.

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

For Domestic purposes from 01/01 ^{Month/Day} to 12/31 ^{Month/Day} amount 0.04 ^(cfs)
(Both dates are inclusive)
For purposes from to amount 7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) One house or dwelling and yard.

MICROFILMED

MAR 19 1993

10. Place of use is: Township: 10 N Range 18 E
Section 24, NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or Well currently being put in use.

14. Remarks: Lands are in The East Fork Subdivision (Lot 8, Block 2) where used.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 72-04230

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

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

Signature of Claimant (s) Michael M. Maloney Date 12-21-89

Date _____

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

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Custer) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 21st day of December 19 89

SEAL

Notary Public James P. Smith

Residing at Challis Idaho

My Commission Expires 1-13-93

Last Name MALONEY Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
MAR 1 9 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jan. 3, 1990

Re: A72-00176B

A72-00230D

A72-10359

A72-04230

MICHAEL M MALONEY
HC 68 BOX 349
CLAYTON ID 83227

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

June 24, 1997

KARL J. DREHER
DIRECTOR

JAMES R BENNETTS
ATTORNEY AT LAW
PO BOX 36
CHALLIS ID 83226-0036

RECEIVED

JUN 27 1997

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #72-04230 & 72-10359

Department of Water Resources
Southern Region

Dear Mr. Bennetts,

In response to your inquiry dated June 9, 1997, I checked with region staff and can report the agency staff in reviewing the Maloneys' claims did not merely misplace the claim for the spring.

Seemingly the claims would be reviewed and processed together and were up to a point. However, the strength of the claim for the well raised a minor question whether the spring for the same purpose was still used. At the point of the question the claim for the spring (72-10359) was set aside for later review before the recent Director's Report was issued. Unfortunately as the push to meet the report deadline approached the claim for the spring remained on the sidelines.

Presuming the Maloneys do not have other factors dependent on the claims, claim 72-10359 is planned for reporting before this time next year when another Director's Report for irrigation and other small non-domestic and stockwater uses and all claims missed in the 1997 report will be submitted to the claimants and the Court.

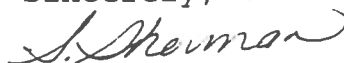
The alternative is to file an Objection (SRBA Court Standard Form 1) with the Court protesting the absence of the claim from the report. I'm confident, presuming the water from the spring is still diverted and used, before the hearing for uncontested claims is heard, a settlement of the Objection would be an agreement (SF5) submitted to the Court that the Maloneys and IDWR would endorse the elements of the water right. This would put the claim for the spring on the same track as the claim for the well. Of course this tactic may not be worth the expense of just waiting for the later report.

A72-10359

James R. Bennetts
June 24, 1997
Page 2

Please convey my apologies to the Maloneys for this misstep in processing a report of over 3,000 water rights. I further apologize for the inconvenience to them. If you or they have any further questions, I stand ready to assist and respond.

Sincerely,



for

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region ✓

TELEPHONE
(208) 879-1188

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 36
CHALLIS, IDAHO 83226-0036

RECEIVED
JUN 12 1997
FAX
(208) 879-1188
Department of Water

June 9, 1997

Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

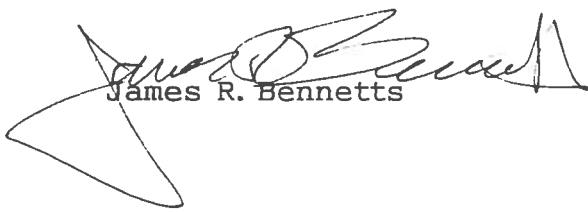
RE: Patricia A. Maloney and Michael M. Maloney
Water Right No. 72-04230

Dear Sirs:

My clients, Patricia A. Maloney and Michael M. Maloney received the enclosed correspondence and copy of domestic water right (groundwater) from your department. Please review the file, as a spring source was also claimed by the Maloneys for domestic uses at the same home and yard area, but is not shown on the enclosed listing from the Director's Report.

Thank you for your attention to this matter.

Very truly yours,


James R. Bennetts

JRB:k
Enclosure
cc: Patty and Mike Maloney



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

April 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

72-04230

PATRICIA A MALONEY

MICHAEL M MALONEY

HC 68 BOX 349

CLAYTON ID 83227

RE: Recommended Water Rights Acquired Under State Law
Snake River Basin Adjudication (SRBA)
Domestic and/or Stockwater Rights in Reporting Area 4, Basins 71 and 72

Dear Water Right Claimant(s):

Please find-enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basins 71 or 72 (the Upper Salmon River Drainage Basin). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basins 71 and 72 will be recommended in a later process.

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the Custer County courthouse in Challis, the Blaine County courthouse in Hailey, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

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

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

Sincerely,

Karl J. Dreher
Director

Enclosures

From: DWR60::DJONES -JUN-1997 16:18:28.77
To: @DVS
CC: DJONES
Subj: 72-10359

Don,

It does not look like this claim was caught in the D&S lists. I have looked at 4230 & 10358 and see that they were switch-numbered, but 10359 could have gone through. The original claim does say that the well is in use, but we would have normally also recommended the spring source.

Hope this helps.

Doug

From: DWR03::DSHAFF 1-JUN-1997 14:19:57.59
To: DWR60::DJONES
CC: DSHAFF
Subj: 72-10359

You may be able to help me respond to an attorney for the Maloneys who inquired why this water right was not included in RA 4 report. Their claim 72-04230 was included prompting the inquiry about this claim to a spring for the same water use. This number is in the AB*Holdback list. Thanks

Field Exam Notes

Claim No: 72-10359

9/11/1998

Agent: Vikie Hancock

Kelly Christensen and I walked the Maloney property (lots 8 and 7 claims 72-00230D and 00230T) after talking to the Maloney tenant, Tracy Shaw, who stated that she irrigated the Maloney property. Lot 8 is the grass yard surrounding the dwelling, the dwelling, and the outbuildings. Shaw showed us the pipe from the spring which is located up Road Creek to the east, beyond the paved road, and which has this domestic water claim filed on it. They only use this to irrigate the lawn with sprinklers (total gravity system) but since the pressure is erratic, they also use water from the ditch to flood (claim 72-00230D). The grass yard is quite large and extends past some old log buildings to the north lot boundary fence. Nothing around the out buildings to the south is irrigated.

The pipe is 2 inch white plastic. Shaw stated that the maximum number of rainbird sprinkler that they can run at the same time is two. Most often they can run one. She said that when the Maloneys bought the house the spring provided culinary water also, but that the Maloneys drilled a well for inside use.

See pan photo in claim number 72-00230U for good picture of lots 7 and 8.

A72-10359
Maloney

Lot 8 Block 2 East Fork Subdivision
Source: Spring

9/11/98
V. Hancock



This series of pictures show the spring box, upper part of the ditch traveling south, and location of the springbox in relation to the road that parallels Road Creek.

Ditch in willows

Photos 9, 10, 11 1998 Roll 2

