

05/17/2006

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

RIGHT NUMBER: 63-20542

NAME AND ADDRESS: E D WENGER  
5107 S 10TH AVE  
CALDWELL ID 83605

JULIA E BRESHEARS  
5107 S 10TH AVE  
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 06/01/1984

POINT OF DIVERSION:

T03N R03W S3 SWNWSW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
DOMESTIC

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.040 CFS

PLACE OF USE: DOMESTIC Within CANYON County

T03N R03W S03 NWSW

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

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

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



State of Idaho  
Idaho Department of Water Resources  
Western Region

**T3N R3W SECTION(S) 3**  
**WATER RIGHT (S): 63-20542**



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

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared by: Dan Nelson  
Date: May 2006



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20542 V1

WATER RIGHT NUMBER: 63-20542 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
|-------------------|-----------------------------------------------------------------------------|
| Current Owner     | E D WENGER<br>5107 S 10TH AVE<br>CALDWELL, ID 83605<br>(208)454-0296        |
| Current Owner     | JULIA E BRESHEARS<br>5107 S 10TH AVE<br>CALDWELL, ID 83605<br>(208)459-9571 |

Priority Date: 06/01/1984

Basis: Beneficial Use

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31          | 0.040 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.040 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |         |          |               |
|---------------|-----------------|---------|----------|---------------|
| GROUND WATER  | SW1/4NW1/4SW1/4 | Sec. 3, | Twp 03N, | Rge 03W, B.M. |
| CANYON County |                 |         |          |               |

Place of Use

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 03W | 3   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |        |

Conditions of Approval:

1. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
2. 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.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20542 V1

Comments:

## 1. dnelson 5/17/2006 Claim Review

Comment: The original owners of this property claimed domestic and irrigation uses for a 2-acre parcel. In the comments, there was mention of an older statutory claim, 63-4249, for the irrigation portion of this water right. A letter requesting proof of priority was sent to the original owner and was returned. A second letter was sent to the current owner per the Canyon County tax records, Mr. Greg Sittig. Mr. Sittig wrote a letter back to me stating that the well for the property was drilled in 1984, and the property was developed that same year. Review of the county tax records confirms this 1984 date. Aerial photography does show irrigation on this parcel, but no homes are visible in the 1981 aerial photography.

This leaves a question on whether or not the land was irrigated and an accomplished transfer occurred to the 1984 well. I can find no well logs for irrigation wells in this area. A field exam was performed in 1977 for a transfer on statutory claim 64-4249. During this exam it was not possible to verify if the claimed right existed to the extent claimed. It appears as though there was only one small well with a 5 Hp pump at the time of the field exam. However, there was a possibility that several of these smaller wells were in existence removed when the land was leveled.

When taking into account the letter written by Mr. Sittig, and the documentation in the statutory claim file, it is very difficult to determine if this land was irrigated by well water prior to 1984. The land has clearly been irrigated by canal water back to 1939, but there is no evidence that the land was actually irrigated to the extent claimed in the statutory claim from a well. Without further documentation or proof from Mr. Sittig, I cannot recommend the irrigation component of this claim. The domestic portion will be recommended as claimed with a 1984 priority date.

## 2. dnelson 5/17/2006 Text

Comment: THIS IS A PORTION OF A6304249

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: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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 04/03/2006                | scurtis         | Active        |
| Summary        |                           |                 | 04/03/2006                | scurtis         | Active        |
| Summary        |                           |                 | 04/03/2006                | scurtis         | Active        |
| Contacts       | 5/17/2006 9:38:40 AM      | dnelson         |                           |                 | Active        |
| Priority Date  | 5/17/2006 9:40:06 AM      | dnelson         |                           |                 | Active        |
| POD            | 5/17/2006 9:41:39 AM      | dnelson         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-20542 V1

|          |                      |         |        |
|----------|----------------------|---------|--------|
| Source   | 5/17/2006 9:42:30 AM | dnelson | Active |
| POU      | 5/17/2006 9:45:18 AM | dnelson | Active |
| Use      | 5/17/2006 9:46:51 AM | dnelson | Active |
| Season   | 5/17/2006 9:47:40 AM | dnelson | Active |
| Quantity | 5/17/2006 9:48:21 AM | dnelson | Active |
| Summary  | 05/17/2006           | dnelson | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary        | 4/3/2006 6:39:45 AM    | scurtis         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?                                                                                                                                                                                                                                                                                                                                                                                                |
| POD            | 5/17/2006 9:40:58 AM   | dnelson         | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Source         | 5/17/2006 9:42:30 AM   | dnelson         | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - Claim and letter from current owner state source is ground water. |
| Summary        | 4/3/2006 6:43:31 AM    | scurtis         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?                                                                                                                                                                                                                                                                                                                                                                                                |
| Summary        | 4/3/2006 6:45:22 AM    | scurtis         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?                                                                                                                                                                                                                                                                                                 |
| POD            | 5/17/2006 9:41:40 AM   | dnelson         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                     |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-20542 V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 5/17/2006 9:47:40 AM | dnelson | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(No) 14. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                                                    |
| Contacts | 5/17/2006 9:38:40 AM | dnelson | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: Small use field exam not required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| General  | 5/17/2006 9:40:07 AM | dnelson | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>Description for Question 12/13 - Letter from current owner, and Canyon County tax records.</p> |
| POU      | 5/17/2006 9:45:04 AM | dnelson | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POU      | 5/17/2006 9:45:18 AM | dnelson | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>Description for Question 13 - A map was supplied by the current owner showing place of use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Use      | 5/17/2006 9:46:51 AM | dnelson | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - Domestic use is found in aerial photography and letter from current owner.</p>                                                                                                                                                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-20542 V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------|----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 5/17/2006 9:48:21 AM | dnelson | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is the basis of claim a posted notice?<br>(No) 7. Is a flow measurement required?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required?<br>Description for Question 7 - No measurement required for rights under 0.20 cfs.                                                             |
| Summary  | 5/17/2006 9:52:29 AM | dnelson | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(Yes) 4. Is any portion of the claim be recommended?<br>(No) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |

Water Supply Bank:

## MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-20542

FROM: DANIEL A. NELSON

DATE: 5/17/06

SUBJECT: CLAIM REVIEW

The original owners of this property claimed domestic and irrigation uses for a 2-acre parcel. In the comments, there was mention of an older statutory claim, 63-4249, for the irrigation portion of this water right. A letter requesting proof of priority was sent to the original owner and was returned. A second letter was sent to the current owner per the Canyon County tax records, Mr. Greg Sittig. Mr. Sittig wrote a letter back to me stating that the well for the property was drilled in 1984, and the property was developed that same year. Review of the county tax records confirms this 1984 date. Aerial photography does show irrigation on this parcel, but no homes are visible in the 1981 aerial photography.

This leaves a question on whether or not the land was irrigated and an accomplished transfer occurred to the 1984 well. I can find no well logs for irrigation wells in this area. A field exam was performed in 1977 for a transfer on statutory claim 64-4249. During this exam it was not possible to verify if the claimed right existed to the extent claimed. It appears as though there was only one small well with a 5 Hp pump at the time of the field exam. However, there was a possibility that several of these smaller wells were in existence removed when the land was leveled.

When taking into account the letter written by Mr. Sittig, and the documentation in the statutory claim file, it is very difficult to determine if this land was irrigated by well water prior to 1984. The land has clearly been irrigated by canal water back to 1939, but there is no evidence that the land was actually irrigated to the extent claimed in the statutory claim from a well. Without further documentation or proof from Mr. Sittig, I cannot recommend the irrigation component of this claim. The domestic portion will be recommended as claimed with a 1984 priority date.

**Greg A. Sittig**  
5107 S. 10<sup>th</sup> Ave.  
Caldwell, ID 83607  
(208) 880-4684  
greg@canyonrealty.com

RECEIVED  
MAY 02 2006  
WATER RESOURCES  
WESTERN REGION

April 27, 2006

State of Idaho  
Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705-5082

Re: Current Owner: Greg A. & Melanie E. Sittig  
5107 S. 10<sup>th</sup> Ave.  
Caldwell, ID 83607  
Snake River Basin Adjudication Claim No. A63-20542

Gentlemen:

The home on the property was built in 1984. Water for the home and property comes from a shared well that is situated on the South end of my property. Well is shared with the adjoining property to the south. This well has been the source of water for my property since the home was built. The home on the property to the south that shares the well was built in 1987.

I have personal knowledge that this well has been the source of water for the entire period since 1984.

I have marked the location of my property on the aerial photo with black marker, as well as, the location of the well indicated by a white dot.

Respectively submitted,



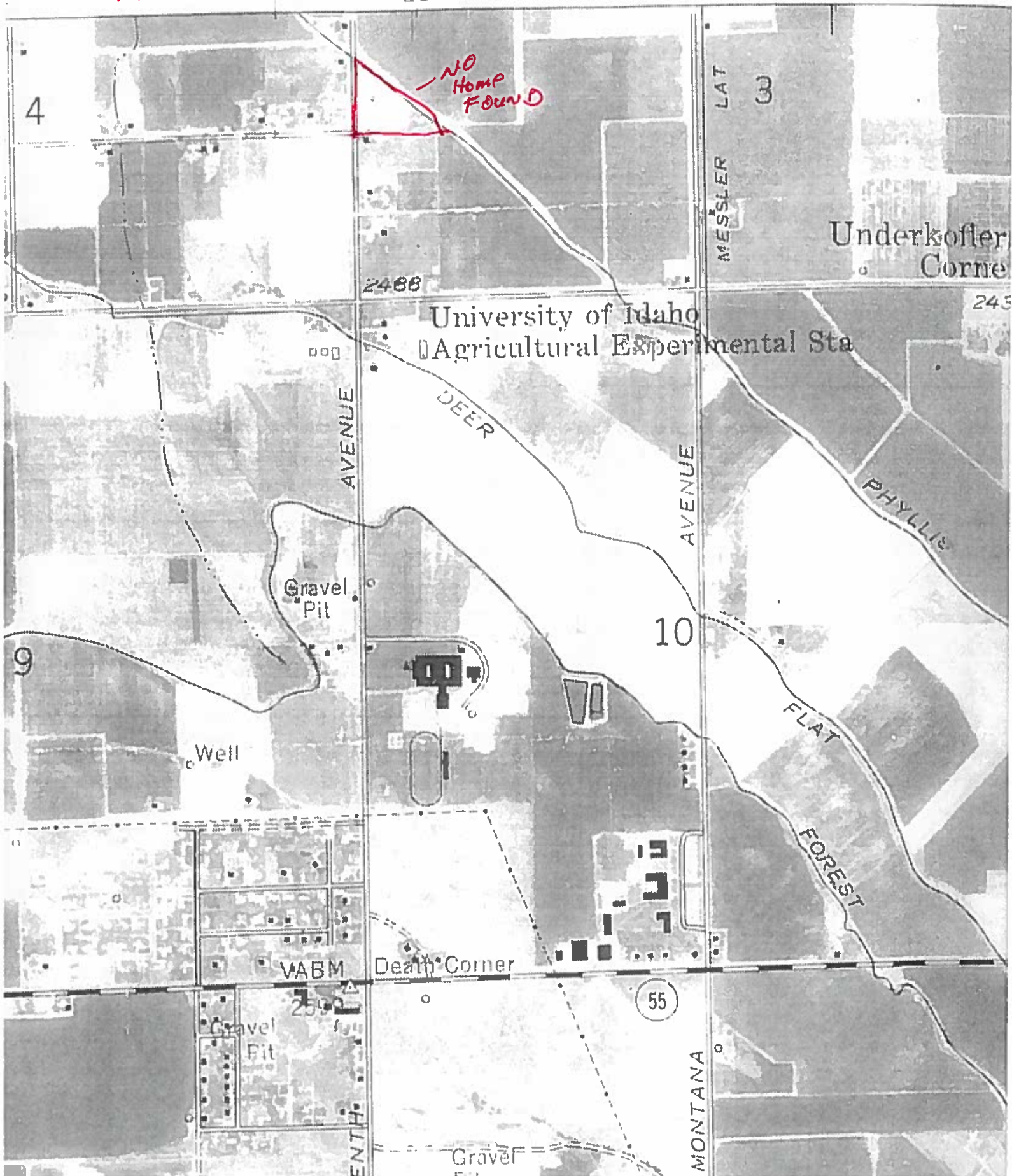
Greg A. Sittig

Encls. Aerial Photo

T03N R03W S3 NWSW  
1939 AERIAL PHOTO

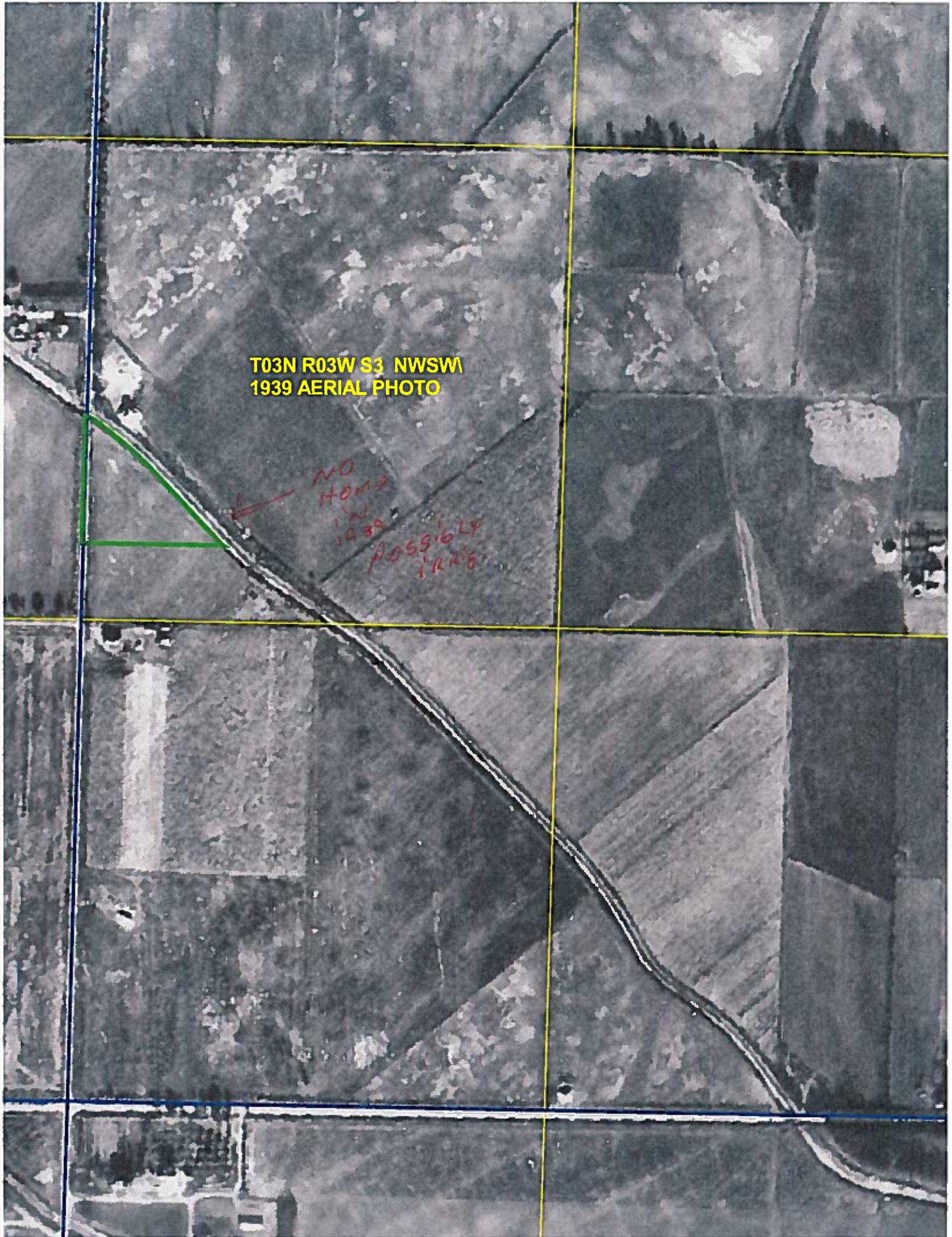


X-55  
Lake Lowell, ID  
1981  
ENLARGE 210%  
JAN



T03N R03W S3 NWSN  
1939 AERIAL PHOTO

NO  
HOME  
IN  
1939  
POSSIBLY  
IRRIG.



## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4249

WATER RIGHT NUMBER: 63-4249

|                   |                                                                  |
|-------------------|------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                          |
| Current Owner     | LEO R HART<br>1903 RAY ST<br>CALDWELL, ID 83605<br>(208)459-4925 |

Priority Date: 06/01/1944

Basis: Statutory Claim

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 3/15 to 11/15           | 3.600 CFS             |                      |
|                       | <u>Total Diversion:</u> | 3.600 CFS             |                      |

Location of Point(s) of Diversion

|               |            |         |          |               |
|---------------|------------|---------|----------|---------------|
| GROUND WATER  | NW1/4SW1/4 | Sec. 3, | Twp 03N, | Rge 03W, B.M. |
| CANYON County |            |         |          |               |
| GROUND WATER  | SW1/4NW1/4 | Sec. 3, | Twp 03N, | Rge 03W, B.M. |
| CANYON County |            |         |          |               |
| GROUND WATER  | SE1/4SW1/4 | Sec. 3, | Twp 03N, | Rge 03W, B.M. |
| CANYON County |            |         |          |               |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW   |      |    |    | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|----|----|------|------|------|------|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW | SE | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 03N | 03W | 3   |    |    |    |    | 40.0 | 40.0 |    |    | 20.0 | 40.0 | 20.0 | 20.0 |    |    |    |    | 180.0  |

Total Acres: 180

Conditions of Approval:

1. 2 P/D IN NWSW & SESW, S3, T3N, R3W.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4249

Dates and Other Information:

Licensed Date:  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

Transfer No. \_\_\_\_\_

Application No. 63-4249  
CLAIM

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**APPROVED**

To Change the Point of Diversion and/or the Place of Use

Name of applicant LEO R. HART Phone 459-4925Post office address 1903 Ray St., Caldwell, ID**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)

b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources

c. Claim No. 63-4249 on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_4. Date of priority 1944**5. Water is used for the following purposes:**

amount 3.6 for Irrigation purposes from Mar 15 to Nov 15  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day - both dates inclusive)

6. Total amount of water under right: a. 3.6 cubic feet per second  
b. \_\_\_\_\_ &/or  
acre feet per annum

7. Location of original point of diversion is NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 3  
Township 3N Range 3W, B.M., in Canyon County  
Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 3N   | 3W    | 3    |                  |                  |                  |                  | 40               | 40               |                  |                  | 20               | 40               | 20               | 20               |                  |                  |                  |                  | 180    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 180

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_
3. Place of use:

| TWP | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
  - a. Amount of water to be diverted 3.6 c.f.s. &/or \_\_\_\_\_ acre feet  
(2pts)
  - b. Point(s) of diversion NW 1/4 SW 1/4, Section 3 Township 3N  
Range 3W, B.M., Canyon County  
Additional points (2 pts) SE 1/4 SW 1/4, SW 1/4 NW 1/4, Sec 3, T 3N, R 3W
  - c. Description of diverting works wells & pumps
  - d. Describe the reasons for applying for a change in the point(s) of diversion Original  
well has failed to produce the amount of water of the water right.

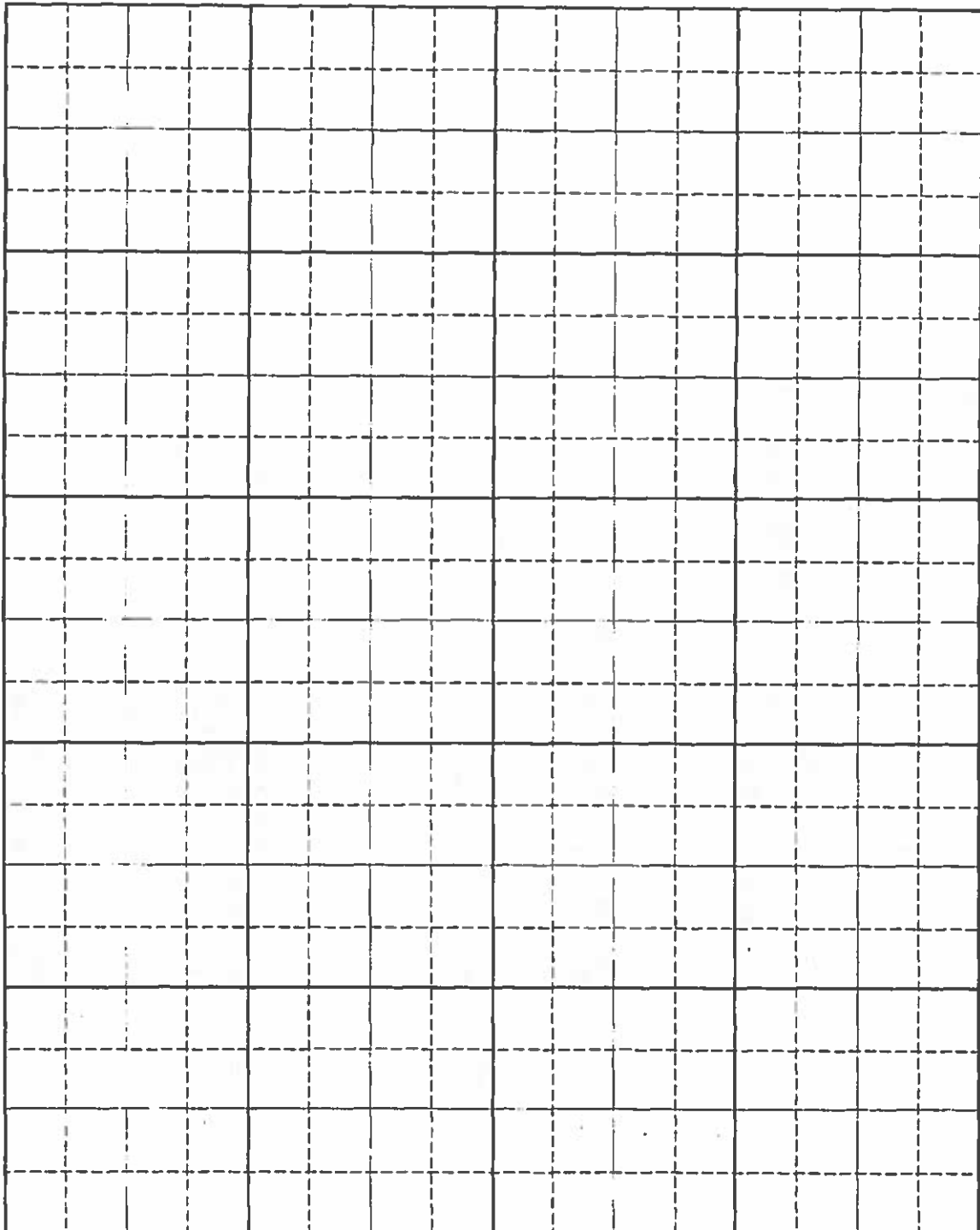
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

| TWP | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 3N  | 3W    | 3    |        |        |        |        | 40     | 40     |        |        | 20     | 40     | 20     | 20     |        |        |        |        | 180    |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 180

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Les A Hart  
(Signature of applicant)

Subscribed and sworn to before me this 11<sup>th</sup> day of February, 19 77

Lyle Glen Saxton  
(Notary public)

My commission expires 11-25-78

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-4249, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:  
A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.
2. Approval of this transfer does not validate the claim filed.

Witness my hand this 4 day of May, 19 77

[Signature]

#### FOR DEPARTMENT USE ONLY

|                                               |                                               |                        |
|-----------------------------------------------|-----------------------------------------------|------------------------|
| Received by <u>[Signature]</u>                | Date <u>2-11-77</u>                           | Protest filed by _____ |
| Prelim. check by <u>[Signature]</u>           | Fee <u>30.00</u> <u>6643</u>                  | _____                  |
| Received by <u>[Signature]</u>                | Date <u>2-11-77</u>                           | _____                  |
| Published in <u>[Signature]</u>               | Copies of protest forwarded by _____          |                        |
| Pub. dates <u>[Signature]</u>                 | Hearing held by _____ Date _____              |                        |
| Watermaster recommendation requested on _____ | Recommended for <u>approval</u> <u>denial</u> |                        |
| _____ rec'd.                                  | by _____                                      |                        |

## STATE OF IDAHO

## DEPARTMENT OF WATER ADMINISTRATION

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 Leo R. Hart

(name of claimant)

of Re 8, Caldwell, Idaho claims a right to the diversion and beneficial use of  
(mailing address)

ground water or surface water tributary to Groundwater :

**The extent and nature of said claim is as follows:**

- (1) Describe source of water: (name of stream, lake, spring, etc., or 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 | 3.60 cfs | Use | Irrigation | Period of Use | From | Mar 15 | To | Nov 15 |
|--------|----------|-----|------------|---------------|------|--------|----|--------|

| Amount | Use | Period of Use: From | To |
|--------|-----|---------------------|----|
|--------|-----|---------------------|----|

| Amount | Use | Period of Use: From | To |
|--------|-----|---------------------|----|
|--------|-----|---------------------|----|

(cfs, gpm  
or a/f)

(dom., irri,  
stock, etc.)

(both dates inclusive)

- (3) Total quantity of water claimed: 3.6 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) \_\_\_\_\_ 1944 \_\_\_\_\_

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, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

MLL 1/4 SW 1/4, Sec. 1 Twp. 3N Rge. 3W B. M. County of Canyon

Additional points of diversion: 12" well electric pump

gravity irrigation in concrete ditches

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

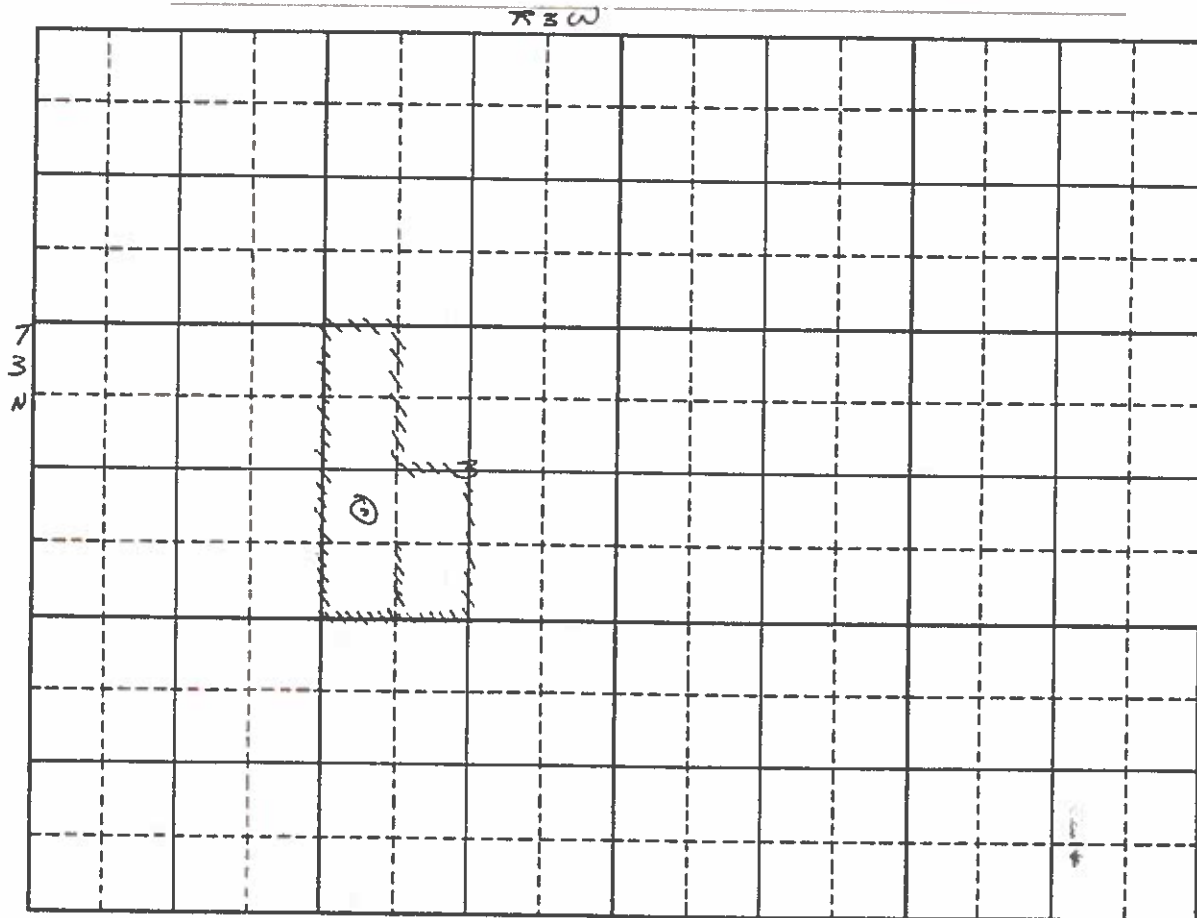
[illegible]

Total No. of acres 180

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



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 Ada

ss.

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 affiants knowledge.

Lee R. Hart  
(Claimant)

Sworn to before me this 18<sup>th</sup> day of

January, 1974.

Notary Public

Residing at

Boise, Idaho

My commission expires

6-15-77

Lit # 13579

For Department Use Only

Received by

Date 1-18-74

Exception filed by:

Forwarded to

Date

Prelim. check by

Date 1-18-74

claimant by:

\$10.00 fee received by

Date 1-18-74

Approved for publication by

Published in

Dates

1-31-74  
2-25-74

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Groundwater Name Leo R Hart

2. Right Being Transferred Right No. 63-4249

a. ☐ Decree Transfer No. \_\_\_\_\_

☐ License

☒ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. ☒ " - Original P. U.

e. ☒ " - New P.D.

f. ☒ " - New P.U.

g. ☒ Amount

☒ All

☐ Part

3. ☒ Proof of Ownership of Right

Comment not req'd.

4. ☒ Expansion of Right

Comment \_\_\_\_\_

5. ☐ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments NA

9. Comments \_\_\_\_\_

10. Initial Review by \_\_\_\_\_ Date \_\_\_\_\_

11. Recommended Action

☒ Approve

☐ Deny

☐ Conditions meas devices req'd

By FLA Date 3-16-77

*approval of transfer doesn't validate the claim filed.*

- DATA ENTRY -

## Record

**Present Owner:** \_\_\_\_\_

B. Tributary of:

**J. Right Basis (for adjudication claims A,B,C only):**

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

8. Use Code: A

[illegible]

9. A. Decree Name:

**B. Decree Date:**

10. Remarks: A. 2 PIDs in NW SW & SE SW, S3, T3N, R3W.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information):

## 12. Other Rights for Same Use:

13. A. Proof Due Date:

**B. Date Permit Approved or Denied:**

**C. Protested Date:**

**D. Hearing Date:**

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: \_\_\_\_\_

14. Diversion Means (brief narrative):

M E M O

Date: April 5, 1977

To : Bob Fleenor

From: L. Glen Saxton *lys*

RE : File No. 63-4249

From the field exam, it is not possible to determine if the claimed right existed or exists to the extent claimed.

Based on the advertising of the claim and application for transfer, I recommend the Department approves the application for transfer with the qualifying language shown on the staff analysis sheet.

MEMORANDUM

TO: File 63-4249

Date: March 30, 1977

FROM: Lee Sisco

On March 22, 1977 I visited the Hart property to confirm<sup>14</sup> there was a well that would produce 3.6 cfs as claimed by Mr. Hart. The only well to be found was a 10 inch or 12 inch well with a 5 HP turbine pump and motor. This well couldn't possibly produce the amount of water claimed. Upon talking with Mr. Hart on this matter, he said there were several small wells that were used to irrigate the land mentioned in the claim. Mr. Hart has leveled the property and made larger fields from several small pieces. In doing so, all but one well was destroyed. He feels he is replacing the water taken from about 5 small wells with one well.

# **WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO**

Permit No. \_\_\_\_\_ Well No. \_\_\_\_\_ County Canyon  
 Owner Knappier Enrich  
 Address Box 209 Caldwell  
 Driller William L. Doty  
 Address Box 5 Mampa  
 Well location SW 1/4 SW 1/4 Sec. 3, T. 3 N. & R. 3 E. W.  
 Size of drilled hole 6"

Locate well in section

|        |        |
|--------|--------|
| NW 1/4 | NE 1/4 |
| SW 1/4 | SE 1/4 |

3

Total depth of well 63

Give depth to standing water from the ground 11 Water temp. \_\_\_\_\_

On "Pumping Test" delivery was 20 g.p.m. or \_\_\_\_\_ c.f.t. Drawdown was 17 feet.

Size of pump and motor used to make test 2 1/2" cylinder pump

Length of time of test 2 hours 2 minutes.

If flowing well, give flow \_\_\_\_\_ c.f.t. or \_\_\_\_\_ g.p.m. and at shut off pressure.

If flowing well, describe control works.

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Vet. Clinic Weight of casing per lineal foot 20#

Thickness of casing 4 Casing material Steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 6" - 61 ft. 1.6" above to 59-6

(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER. CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER.)

## **CASING RECORD**

| Diam.<br>Casing | From<br>Feet | To<br>Feet | Length | Remarks—seals, grouting, etc. |
|-----------------|--------------|------------|--------|-------------------------------|
| 6"              | 1.6          | 59.6       | 61'    |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |

Number and size of perforations 7 cone located \_\_\_\_\_ feet to \_\_\_\_\_ feet from ground

Date of commencement of well 3-30-63 Date of completion of well 4-3-63

SW 1/4 SW 1/4 Sec. 3, T. 3 N. & R. 3 E. W.

WLS

[illegible]

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed James G. Doty  
By William E. Doty 159

License No. 7A

Dated June 26, 1963

Well Log Form 1  
3L-3/63

WELL LOG AND REPORT TO THE  
STATE RECLAMATION ENGINEER OF IDAHO

AUG 20 1984

SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL; SEE IDAHO STATUTES 42-238

Permit No. \_\_\_\_\_ Well No. \_\_\_\_\_ County Canyon  
Owner James M. Carthage  
Address Box 4, P.O. Box 80  
Driller John H. & D. A. J.  
Address Box 1, Carthage  
Well location S 1/4 4th 1/4 Sec. 3, T. 3 N. 2. E. 3 E/W  
Size of drilled hole four inch

Locate well in section

|        |        |
|--------|--------|
| NW 1/4 | NE 1/4 |
| S 1/4  |        |
| SW 1/4 | SE 1/4 |

Total depth of well 51

Give depth to standing water from the ground 17 Water temp. \_\_\_\_\_ °Fahr.

Test delivery was 60 g.p.m. or \_\_\_\_\_ s.f.s. Drawdown was \_\_\_\_\_ feet. Pump? ☒ Ball? \_\_\_\_\_

Size of pump and motor used to make test 10 P.M. in compressor

Length of time of test 5 hours 3 minutes.

If flowing well, give flow \_\_\_\_\_ s.f.s. or \_\_\_\_\_ g.p.m. and of shut off pressure \_\_\_\_\_

If flowing well, described control works \_\_\_\_\_ (TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Domestic Weight of casing per lineal foot 11#

Thickness of casing 3.37 Casing material Steel (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 4" - 51' - 0" 1/4  
(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;  
CASING 14" OR 16" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

| Diam.<br>Casing | From<br>Feet | To<br>Feet | Length | Remarks—seals, grouting, etc. |
|-----------------|--------------|------------|--------|-------------------------------|
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |
|                 |              |            |        |                               |

Number and size of perforations \_\_\_\_\_ located \_\_\_\_\_ feet to \_\_\_\_\_ feet from ground

Date of commencement of well 7-1-84 Date of completion of well 7-8-84

WNW S. 3 E. 3 W

W.D.S.

[illegible]

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed William J. Dwyer  
By William J. Dwyer Date 1-5-59  
License No. 222

Dated 11/11/64 1964

**License No.**

Well Driller's Helper.

## REAL PROPERTY INQUIRY

```

+++++
01 6R32568-000- -0 001-00 SCH132+ 0A 2,700 .45
+++++
SITTIG, GREG A + 21 21,800 .25
& SITTIG, MELANIE E H/W + 41 122,300
+ 42 66,100
+
+
5107 S 10TH AVE +
CALDWELL ID 83607 +
+++++
03-3N-3W SW + TOTAL 247,900 1.70
TX 10 IN NWSW-S OF C/L PHYLLIS CAN ++++++
+ SURVEY INST 9933577
+ DRAIN DR VALUE APPR ZVW
+ CLASS C2 REAP 05 MAN 04 UNIT 1
+ PARCEL 6RC00000035600 H/O N C/B N
+ PRIOR ACCOUNT 5R32568-000- -0
+ 02 MH on Property NO

```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R32568000 0 UNIT 001 TOTAL UNITS 1

```

SITE 5107 S 10TH AVE CA SEC/TWN/RNG 03-3N-3W
ASSESSED VALUE 247,900 ACREAGE 1.70
SUB/PARK NAME YEAR/MAKE
CLASS C2 COMMERCIAL WITH OWNER OCCUPIED HO SPACE LOT BLOCK
+++++
YR BUILT 1984 AIR COND CENTRAL AIR CARPORT N
STORY 1 STORY HEATING ELECTRIC FA CARPORT SQ FT
FIRST SQ FT 1998 EXTERIOR HARDBOARD DECK/PATIO? Y
SECOND SQ FT ROOF COMP POOL? N
BEDS 3 BSMT SQ FT SPA? N
BATHS 2.00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE A2 NEIGHBORHOOD 0
GARAGE SQ FT 510

```

```

+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

MODE:F ACTION: COMPANION SHEET INQUIRY TRQK361

```

01 ACCOUNT: 6R32568-000- -0 AREA 001-00 DRAIN VALUE CLASS C2 H/O Y
SEC 03 TWN 3N RNG 3W QTR SW CITY/SUB C BLK LOT 5600
OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS
OWNERSHIP C OWNERSHIP P
SITTIG, GREG A SITTIG, GREG A
& SITTIG, MELANIE E H/W

```

## MAILING ADDRESS

5107 S 10TH AVE  
CALDWELL ID 83607

## SITE ADDRESS

5107 S 10TH AVE CA

## COMMENTS

PRIOR ACCOUNT 5R32568000 0  
PARCEL C00000035600 SRVY  
INSTR 9933577 ACRES 1.70  
SPLIT YR DOCUMENT DD

## LEGALS

03-3N-3W SW  
TX 10 IN NWSW-S OF C/L PHYLLIS CAN

## REMARKS

8921138, 9427186, 9521442, 9815884  
9912211, 9933577  
ORD-2381(200136982)9-10-01

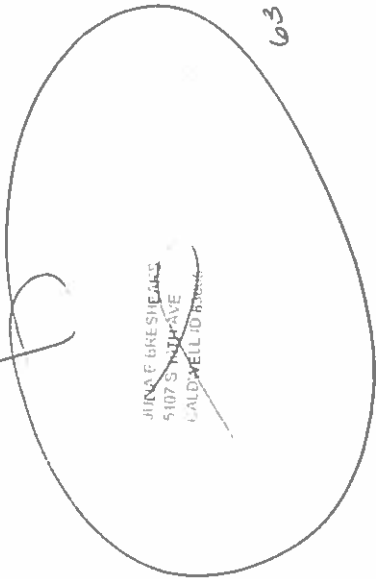
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGIONAL OFFICE  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

ADDRESS SERVICE  
REQUESTED



Not At This Address For 10 yrs

AKG



JIM F BRESHELL  
5107 S. WILLOW  
CALDWELL, ID 83405

RECEIVED

FEB 08 2007

WATER RESOURCES  
WESTERN REGION

63-20542

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGIONAL OFFICE  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

ADDRESS SERVICE  
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE  
\$00.8  
02 1A  
0004389393 FEB 02 2  
MAILED FROM ZIP CODE 83705

RECEIVED  
FEB 08 2007  
WATER RESOURCES  
WESTERN REGION

NOT RECORDED  
UNKNOWN

NOT THIS ADDRESS  
63-20542

F D WENGER  
5107 S. MYTHAVE  
CANDY, ID 83605



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

April 11, 2006

DIRK KEMPTHORNE  
Governor

GREG A AND MELANIE E SITTIG  
5107 S 10<sup>TH</sup> AVE  
CALDWELL ID 83607

KARL J. DREHER  
Director

**RE: EVIDENCE OF PRIORITY**

Snake River Basin Adjudication Claim No(s): A63-20542

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources, since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

Page 2  
Sittig

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, I will need an accurate location of the well used for domestic and irrigation under this water right. Please carefully mark on the enclosed aerial photo the exact location of the well for this right. I will also need the exact location of the home and the lands irrigated. Please clearly mark those areas irrigated and the location of the home on the map as well.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by May 5, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,



Daniel A. Nelson  
Senior Agent  
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet  
Notice of Claim A63-20543  
2004 aerial photo

cc Greg A and Melanie E Sittig – Possible owner per department tax information.

**NOTE:** If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 11, 2006

DIRK KEMPTHORNE  
Governor

E D WENGER  
PO BOX 836  
CALDWELL ID 83605

KARL J. DREHER  
Director

### RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-20542

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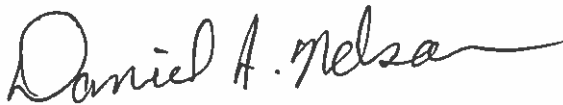
Page 2  
Wenger

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, I will need an accurate location of the well used for domestic and irrigation under this water right. Please carefully mark on the enclosed aerial photo the exact location of the well for this right. I will also need the exact location of the home and the lands irrigated. Please clearly mark those areas irrigated and the location of the home on the map as well.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by May 5, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,



Daniel A. Nelson  
Senior Agent  
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet  
Notice of Claim A63-20543  
2004 aerial photo

cc Greg A and Melanie E Sittig – Possible owner per department tax information.

**NOTE:** If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

April 11, 2006

**DIRK KEMPTHORNE**  
Governor

**JULIA E BRESHEARS**  
5107 S 10<sup>TH</sup> AVE  
CALDWELL ID 83605

**KARL J. DREHER**  
Director

**RE: EVIDENCE OF PRIORITY**

Snake River Basin Adjudication Claim No(s): A63-20542

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources, since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

Page 2  
Breshears

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, I will need an accurate location of the well used for domestic and irrigation under this water right. Please carefully mark on the enclosed aerial photo the exact location of the well for this right. I will also need the exact location of the home and the lands irrigated. Please clearly mark those areas irrigated and the location of the home on the map as well.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by May 5, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,



Daniel A. Nelson  
Senior Agent  
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet  
Notice of Claim A63-20543  
2004 aerial photo

cc Greg A and Melanie E Sittig – Possible owner per department tax information.

**NOTE:** If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

# Receipt Details for ID W009256

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received         | Date Deposited | Region        | Total Amount | Payment Type |
|-----------------------|----------------|---------------|--------------|--------------|
| 2/22/1990 10:59:07 AM | 2/22/1990      | Western       | \$52.00      | Check        |
| <b>Payer</b>          |                | WENGER, E. D. |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 964                  |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION CLAIM FEE

## Fee Detail:

| Amount  | Description            | PCA    | Fund | Fund Detail | Subsidiary | Object |
|---------|------------------------|--------|------|-------------|------------|--------|
| \$52.00 | ADJUDICATION CLAIM FEE | 410162 | 9337 | 00          |            | 6490   |

## Refund(s):

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

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 63           | 20542           |              | \$52.00 | Claim |

Print Report



# Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

4/3/2006

Idaho Dept. of Water Resources  
Place of Use Comparison Report

**Pages**

[illegible]

4/3/2006

Idaho Dept. of Water Resources  
Place of Use Comparison Report

**Page 4**

[illegible]

**4/3/2006**

Idaho Dept. of Water Resources  
Place of Use Comparison Report

**Page 5**

[illegible]

# Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

Page 7

## Page 7

[illegible]



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

September 3, 2002

**RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63**

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Water Works, Inc., to assist us with this task.

The purpose of this letter is to advise you that Water Works, Inc. might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Water Works, Inc. with access to your water diversion system so that their personnel can conduct this field examination. Water Works, Inc. will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. ~~Experience has shown that water users who~~ work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Water Works, Inc. to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte  
Adjudication Section Supervisor  
Western Regional Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-20542  
Date Received: 2/21/1990  
Receipt No: W009256  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: JULIA E BRESHEARS  
Address: 5107 S 10TH AVE  
CALDWELL ID

83605

208-459-9571

AND/OR

Name: E D WENGER  
Address: PO BOX 836  
CALDWELL ID

83605

208-454-0296

2. Date of Priority: JUN 1, 1944

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 03W   | 3       | SW     | NW     | SW     |     | CANYON |

5. Description of diverting works:  
6" CASING 300' DEEP WITH 3 HP. SUB. PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.040 |      |        |
| 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 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ 1 HOUSE

**MICROFILMED**  
**SEP 03 1992**

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 03N      | 03W   | 3       | NW         | SW  | IRR           | 2.0   |
|          |       |         | NW         | SW  | DOMEST        |       |
|          |       |         |            |     | Section Acres | 2.0   |
|          |       |         |            |     | Total Acres   | 2.0   |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
THIS IS A PORTION OF A6304249

15. Basis of Claim: BENEFICIAL USE

MICROFILMED  
SEP 03 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-20542  
Date Received: 2/02/1990  
Receipt No: W009256  
Received By: \_\_\_\_\_

RECEIVED

FEB 21 1990

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Department of Water Resources

Western Regional Office

1. Name: JULIA E. BRESHEARS  
Address: 5107 S. 10TH AVE.  
CALDWELL, ID

208-459-9571

83605

AND/OR

Name: E. D. WENGER  
Address: P.O. BOX 836  
CALDWELL, ID

208-454-0296

83605

2. Date of Priority: JUN 01, 1944

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|--------|
| 03N      | 03W   | 3       | SW NW SW          |     | CANYON |

5. Description of diverting works:

6" CASING 300' DEEP WITH 3 HP. SUB. PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.040 |      |        |
| 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

7.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ 1 HOUSE

A63-20542

Page

1

Date: 02/02/90

MICROFILMED  
SEP 03 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 03N      | 03W   | 3       | NW     | SW  |     | IRR           | 2.0   |
|          |       |         | NW     | SW  |     | DOMEST        |       |
|          |       |         |        |     |     | Section Acres | 2.0   |
|          |       |         |        |     |     | Total Acres   | 2.0   |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): E. Wenger Date: 2-2-90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Canyon ) SS.

Subscribed and sworn (or affirmed) before me this 2 day  
of Feb 19 90

John Paul Carlson  
Notary Public

Seal

Residing at Boise ID.

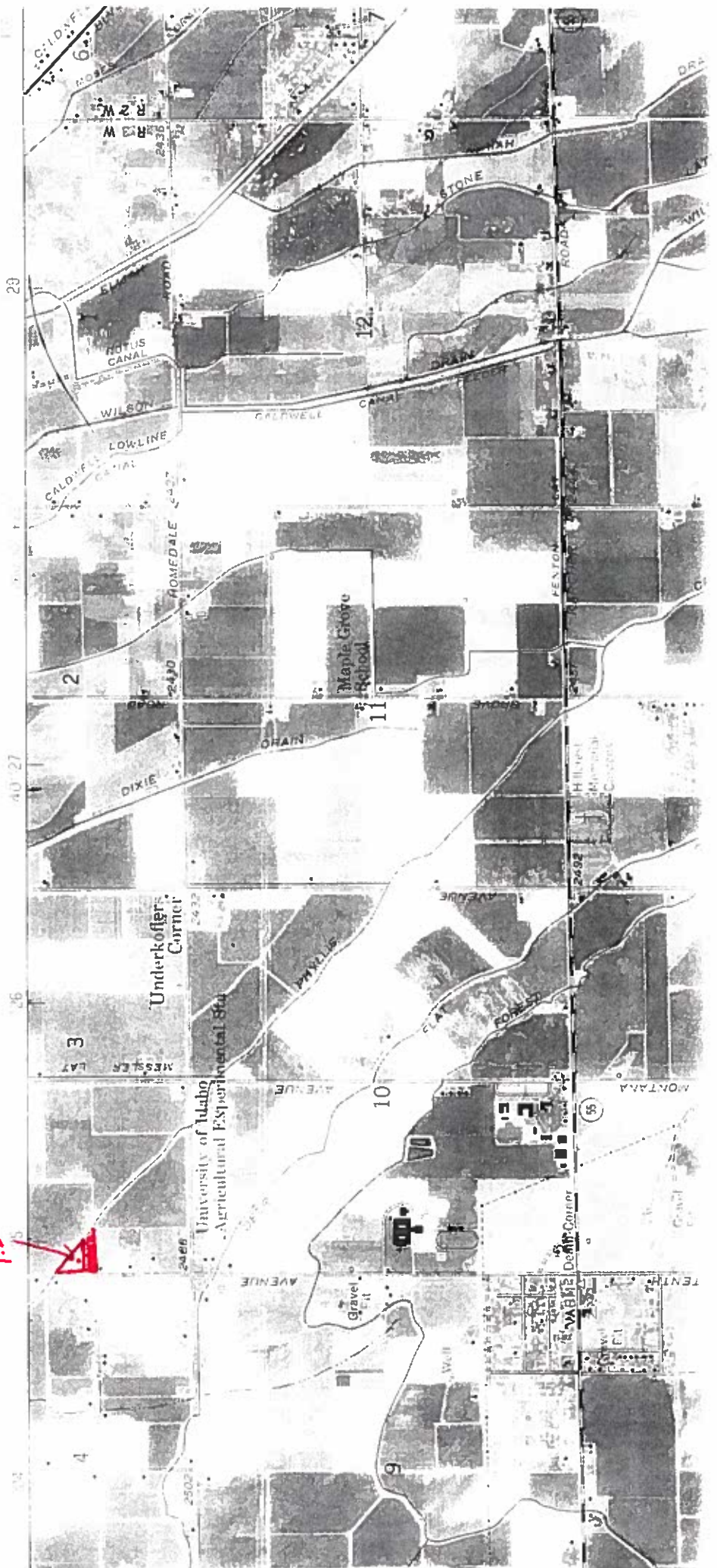
My Commission Expires 6/2/94

MICROFILMED  
SEP 03 1992

R3W R2

LAKE LOWELL QUADRANGLE  
IDAHO

7.5-MINUTE SERIES (ORTHOPHOTOGRAPH)



p.D. 104