

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: A63-21375
Date Received: 3/05/1990
Receipt No: 11010505
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN A. HOGG 208-466-8033
Address: 14214 ORCHARD AVENUE
CALDWELL, ID 83605

OR
Name: LOLA A. HOGG 208-466-8033
Address: 14214 ORCHARD AVENUE
CALDWELL, ID 83605

2. Date of Priority: JUN 15, 1958

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	15	SE	SW	SE		CANYON

5. Description of diverting works:
150' WELL W/ 6" CASING AND PUMP TO HOUSE AND 3" HANDLINE

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		
IRRIGATION	03/15	11/15	0.040		

7. Total Quantity Appropriated is:
0.080 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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	15	SW	SE		DOMEST	
			SW	SE		IRR	2.0
					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:
TAX 2 IN SE LESS E 10' AND LESS TAX 2-A & 2-B, TAX 3

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: 0

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): *Ida A. Hagg* Date: 3-5-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of March 19 90

Bruce A. Schuld
Notary Public

Seal

Residing at Basil Idaho
My Commission Expires 4/11/95

05/17/2006

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

RIGHT NUMBER: 63-21375

NAME AND ADDRESS: JOHN A HOGG
14214 ORCHARD AVE
CALDWELL ID 83605

LOLA A HOGG
14214 ORCHARD 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: 01/01/1959

POINT OF DIVERSION:

T03N R03W S15 SESWSE 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 S15 SWSE

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.

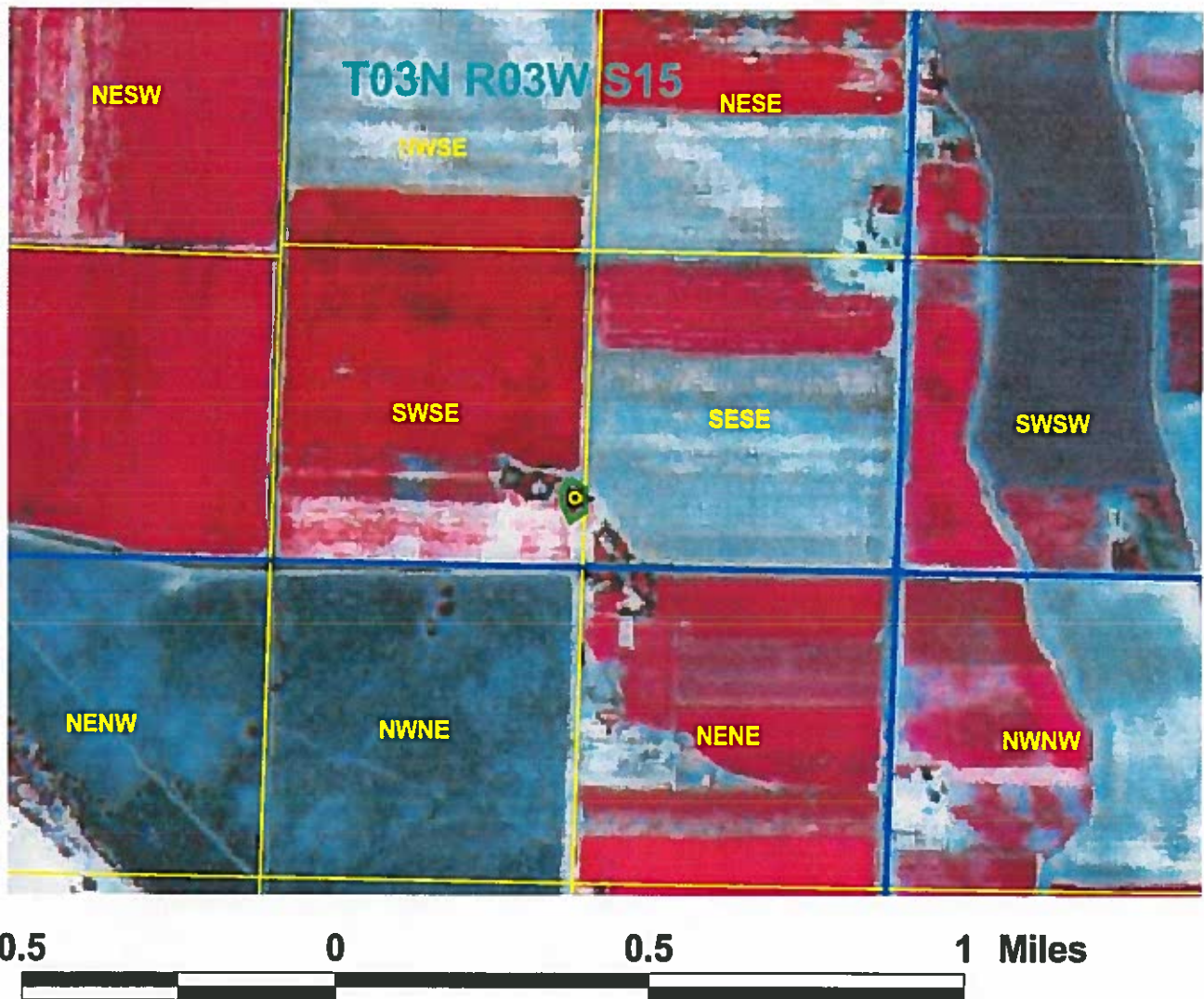
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



**State of Idaho
Idaho Department of Water Resources
Western Region**

**T3N R3W SECTION(S) 15
WATER RIGHT (S): 63-21375**



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

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



Adjudication Recommendation Report 63-21375 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN A HOGG 14214 ORCHARD AVE CALDWELL, ID 83605 (208)466-8033
Current Owner	LOLA A HOGG 14214 ORCHARD AVE CALDWELL, ID 83605 (208)466-8033

Status: Active

GROUND WATER

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4SE1/4 Sec. 15, Twp 03N, Rge 03W, B.M.
CANYON County

DOMESTIC

[illegible]

1. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
2. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21375 V1

Comments:

1. dnelson 5/17/2006 Claim Review

Comment: This claim was filed for domestic use and irrigation of 2 acres. A proof of Priority letter was sent to John and Lola Hogg on 4/11/2006. A copy of this letter was also sent to Bonney and Christopher Little who are listed as the current owners of the Hogg property. No written response was received from either party. Therefore, I cannot recommend the irrigation portion of this water right, since no beneficial use was found. The property appears to be only 0.8 acres in size, so with the driveway, outbuildings, and home taken out of this lot, a 1/2 acres of irrigation allowed with a standard domestic use should be adequate.

I did recommend the domestic portion of this water right. However, I advanced the priority date to 1/1/1959, since that is the date the Canyon County tax records show the home was built. The claim requests a 1958 priority date, which is probably when the well was drilled, but the water was not actually put to beneficial use until the home was built in 1959. This claim will be limited to 13,000 gallons per day.

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: OR
 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
Contacts	5/17/2006 8:08:29 AM	dnelson			Active
Priority Date	5/17/2006 8:09:52 AM	dnelson			Active
POD	5/17/2006 8:18:02 AM	dnelson			Active
Source	5/17/2006 8:18:55 AM	dnelson			Active
POU	5/17/2006 8:19:57 AM	dnelson			Active
Use	5/17/2006 8:21:04 AM	dnelson			Active
Season	5/17/2006 8:21:54 AM	dnelson			Active
Quantity	5/17/2006 8:27:04 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>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 83-21375 V1

Contacts	5/17/2006 8:08:30 AM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This is a small domestic use, so no further verification is necessary.
General	5/17/2006 8:09:52 AM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - County tax records show home was built in 1959.
POD	5/17/2006 8:17:29 AM	dnelson	Updated shape
Source	5/17/2006 8:18:55 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Basic domestic use verification not necessary.
Use	5/17/2006 8:21:04 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Canyon County Tax records

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21375 V1

Quantity	5/17/2006 8:27:04 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - This is a basic domesitc right.
Summary	4/3/2006 6:46:16 AM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
Summary	5/17/2006 8:30:50 AM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	5/17/2006 8:18:02 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	5/17/2006 8:19:58 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Tax lot information allows verification of place of use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21375 V1

Season	5/17/2006 8:21:55 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (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? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
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Water Supply Bank:

MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-21375

FROM: DANIEL A. NELSON

DATE: 5/17/06

SUBJECT: CLAIM REVIEW

This claim was filed for domestic use and irrigation of 2 acres. A proof of Priority letter was sent to John and Lola Hogg on 4/11/2006. A copy of this letter was also sent to Bonney and Christopher Little who are listed as the current owners of the Hogg property. No written response was received from either party. Therefore, I cannot recommend the irrigation portion of this water right, since no beneficial use was found. The property appears to be only 0.8 acres in size, so with the driveway, outbuildings, and home taken out of this lot, a ½ acres of irrigation allowed with a standard domestic use should be adequate.

I did recommend the domestic portion of this water right. However, I advanced the priority date to 1/1/1959, since that is the date the Canyon County tax records show the home was built. The claim requests a 1958 priority date, which is probably when the well was drilled, but the water was not actually put to beneficial use until the home was built in 1959. This claim will be limited to 13,000 gallons per day.



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

KARL J. DREHER
Director

JOHN A & LOLA A HOGG
14214 ORCHARD AVE
CALDWELL ID 83605

COPY

RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-21375

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
Hogg

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 Bonney Y. & Christopher Little – 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.

REAL PROPERTY INQUIRY

01 6R32853-000- -0 075-00 N SCH139+ 12 28,300 .74
 ***** 34 81,100

LITTLE, BONNEY Y
 & LITTLE, CHRISTOPHER W W/H

14214 ORCHARD AVE
 CALDWELL ID 83605

15-3N-3W SE + TOTAL 109,400 .74

TX 2 IN SE LS E 10' & LS

TX 2A,2B, & 14,, TX 3 IN SWSESE

 + SURVEY INST 200505717

+ DRAIN DR VALUE APPR CTR

+ CLASS 3 REAP 01 MAN 00 UNIT 1

14214 ORCHARD AVE, CA

+ PARCEL 6R03N03W158977 H/O N C/B N

+ PRIOR ACCOUNT 5R32853-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R32853000 0 UNIT 001 TOTAL UNITS 1

SITE 14214 ORCHARD AVE CA SEC/TWN/RNG 15-3N-3W

ASSESSED VALUE 109,400 ACREAGE .74

SUB/PARK NAME YEAR/MAKE

CLASS 3 OWNER / OCCUPIED HOUSE CLASS ' 3' SPACE LOT BLOCK

YR BUILT 1959 AIR COND CENTRAL AIR CARPORT N

STORY 1.50 STORY HEATING OIL CARPORT SQ FT

FIRST SQ FT 1088 EXTERIOR WOOD SIDING DECK/PATIO? Y

SECOND SQ FT 368 ROOF WOOD SHINGLES POOL? N

BEDS 3 BSMT SQ FT 672 SPA? N

BATHS 3.00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE A2 NEIGHBORHOOD 0

GARAGE SQ FT 480

COMMENTS 2ND STY ATTIC MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

MODE:F ACTION:

COMPANION SHEET INQUIRY

TRQK361

01 ACCOUNT: 6R32853-000- -0 AREA 075-00 DRAIN VALUE CLASS 3 H/O Y

SEC 15 TWN 3N RNG 3W QTR SE CITY/SUB 0 BLK LOT 8977

OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS

OWNERSHIP C

OWNERSHIP P

LITTLE, BONNEY Y

GROVES, BONNEY Y

& LITTLE, CHRISTOPHER W W/H

MAILING ADDRESS

14214 ORCHARD AVE
 CALDWELL ID 83605

SITE ADDRESS

14214 ORCHARD AVE CA

COMMENTS

PRIOR ACCOUNT 5R32853000 0

PARCEL 03N03W158977 SRVY

INSTR 200505717 ACRES .74

SPLIT VR DOCUMENT DD

LEGALS

15-3N-3W SE

TX 2 IN SE LS E 10' & LS

TX 2A,2B & 14,, TX 3 IN SWSESE

REMARKS

SPLIT TO R32853-010,200038041

9007105

MODE:F ACTION:

OWNERSHIP TRACT RECORD INQUIRY

TRQK366

Account Number: 32853-000- -0

Instrument Grantor

Grantee

Remarks

[illegible]

4/3/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page2

[illegible]

4/3/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page3

[illegible]