

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: A63-26224
Date Received: 3/ 1/1990
Receipt No: W009973
Received By: DE-kw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEPHEN W MARSHALL 208-459-8073
Address: 1824 FILLMORE
CALDWELL ID 83605

AND/OR

Name: RUTH M MARSHALL 208-459-8073
Address: 1824 FILLMORE
CALDWELL ID 83605

2. Date of Priority: APR 15, 1953

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	SE	SE			CANYON

5. Description of diverting works:
100' WELL, 8" CASING, 7.5 HP PUMP TO CONCRETE DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.200		

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

8. Total consumptive use is 134.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	3	SE	SE		IRR	38.3

MICROFILMED

SEP 14 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	38.3
					Total Acres	38.3

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

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

MICROFILMED

SEP 14 1992

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
SEP 14 1992

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

CIVIL CASE NUMBER:

39576

Ident. Number

A63-26224

Date Received

Receipt Number

W00 9973

RECEIVED

MAR 01 1990

NOTICE OF CLAIM
TO A
WATER RIGHTDepartment of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Stephen Wand/or Ruth M. Marshall Phone (208) 459-8073Mailing Address 1824 Fillmore Caldwell, Idaho Zip 836052. Date of Priority (Only one (1) per claim) April 15, 19533. Source of water supply (a) ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 3N Range 3W Section 3, Boise Meridian
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Canyon County

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Well 8" Casing 100' deep,
7 1/2 HP - 60" water - to concrete ditches for irrigation (gravity)
38.4 acres.
Original pump was 5 HP. changed in 1986 to 7 1/2 HP.
with no interruption.

MICROFILMED

SEP 14 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 1.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 134 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3	34	3																38.3	38.3

Total number of acres irrigated 38.34

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

MICROFILMED

SEP 14 1992

Last Name Marshall Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

MICROFILMED

SEP 14 1992

Twp 3 Sec 3 SE $\frac{1}{4}$ SE $\frac{1}{4}$
RNG 3W Well Located • in SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Last Name Marshall

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Stephen W. Marshall Date 2-25-90

Ruth M. Marshall Date 2-25-90

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 25th day of FEBRUARY 19 90

SEAL

Notary Public Sherry S. Blackhawk

Residing at Nampa, ID

My Commission Expires Sept. 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

SEP 14 1992

Last Name Marshall Ident. Number _____

Copies White-State, Yellow-Claimant

State of Idaho License and Certificate of Water Right

Water License No. G-23998

Amount 0.8 second foot

Water District No. _____

Priority April 6, 1953

THIS IS TO CERTIFY that JAMES J. KORN
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 6, 1953; that Permit No. G-23998
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second foot, was issued thereunder on July 6, 1955, showing that said works
were completed on the 23rd day of May, 1955; and that on the 23rd
day of May, 1955,

JAMES J. KORN
of Caldwell, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho of the right to use the waters of a well
~~subterranean flow~~ (Subterranean flow), for the purpose of irrigation and domestic
use under Use Permit No. G-23998 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5512, on the 6th day of July, 1955;
The right hereby confirmed dates from April 6, 1953;
The Point of Diversion is located

In the 34 34 34 Sec. 5 Tp. 3 N., R. 3 E., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	34 N.	3	34 34	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
6th day of July, 1955.

(SEAL)

MARK R. KILP
State Reclamation Engineer.

MICROFILMED

SEP 14 1992
63-2936

63-02936

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-23998

This proof is for completion of works & beneficial use In Water District No. _____

1. Name of applicant James J. Kohn, Route 3, Caldwell, Idaho

2. Source of water supply: Subterranean from a well

3. Location of point of diversion: Is in the SE 1/4 of Section 3

T. 3 N., R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Well is 72' deep by 10" diameter cased to bottom, 12'1". Draw down is 6'. Total lift estimated at 161 to 181. Fairbanks Morse 5-hp, single-phase motor, Serial No. 532476. Fairbanks Morse Centrifugal Pump size 14" by 5". Delivery to the West through 6" pipe into an open ditch. Water was measured through a spring meter. Delivery was 53".

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE 1/4 Section 3, Twp. 3 North, Range 3 West, R. W.

See the map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Crops are Hay and Grain

This is supplemental water.

3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Marshall

CLAIM IDENT. NO. _____

DATE RECEIVED

3-1-90

CK # _____

AMOUNT \$

50.00

Required

YES

NO

Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Info? *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Info? *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Info? *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO ☐ Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ Info? *
- Is the period of use included? ☒ YES ☐ NO ☐ Info? *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Info? *
8. If required is a consumptive use entered? ☐ YES ☒ NO ☐ Info? *
- Is the consumptive use correct? ☐ YES ☒ NO ☐ Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO ☐ Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Info? *
13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights) ☒ YES ☐ NO ☐ Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO ☐ Info? *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ Info? *
16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) ☒ YES ☐ NO ☐ Info? *
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right ☒ YES ☐ NO ☐ Info? *
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ Info? *
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Info? *
20. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Info? *
21. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Info? *
22. Is the fee enclosed correct? ☐ YES ☒ NO ☐ Info? *

Fee should be \$50. + \$38.00
PD

Due for Acreage
PD RV PMAIFPD -

see memo
A63-2936

MICROFILMED

SEP 14 1992

YES NO

23. Should this claim be receipted and data entered?

Claim checked by: _____

Date: _____

Claim must be returned to claimant: _____

☒ (Yes) ☒ (No)

Claimant must be notified of modifications: _____

☐ (Yes) ☒ (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: kw

Date: 2-11-92

Checked by: _____

Date: _____

Sent to claimant by: kw

Date: _____

Comments:

Query of P/U shows Pioneer Shrig. District
filed on 40 acres in this legal. see attached.
See memo attached for "Notes
to Examiner" - kw 2-11-92

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

T03N R03W S3 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.770 CFS 172.40 AFY

PLACE OF USE: IRRIGATION Within CANYON County
T03N R03W S03 SESE 38.30

38.3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Pioneer Irrigation District.

This water right replaces license 63-2936.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R3W SECTION(S) 3
WATER RIGHT (S): 63-26224



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

Total Irrigated Acres = 38.3 acre(s)

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



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26224 V1

WATER RIGHT NUMBER: 63-26224 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN W MARSHALL 1824 FILLMORE CALDWELL, ID 83605 (208)459-8073
Current Owner	RUTH M MARSHALL 1824 FILLMORE CALDWELL, ID 83605 (208)459-8073

Priority Date: 04/06/1953

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>
IRRIGATION	03/01 to 11/15	0.770 CFS	172.40 AF
	<u>Total Diversion:</u>	0.770 CFS	172.40 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	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																	38.3

Total Acres: 38.3

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. W40 Use of this right is combined with water from Pioneer Irrigation District.
3. This water right replaces license 63-2936.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26224 V1

Comments:

1. dnelson 5/17/2006 Claim Review

Comment: This claim was filed on lands previously licensed under water right 63-2936. The reason this beneficial use claim was filed for in the SRBA instead of the license was to attain a higher rate of diversion. Previously licensed right 63-2936 was already licensed at the full allocation of water or one minors inch per acre. The increase in rate of diversion would allow 1½ inches of water per acre. The claimant did not provide any additional information that would justify the need or use of an increased flow from this well.

Therefore, this claim will be recommended as licensed under water right 63-2936, except for the number of acres irrigated. The number of acres listed on the license was 40 acres, but it is obvious from the 1987 aerial photography that the claimed amount of 38.3 acres is a more accurate accounting of the lands irrigated. The flow rate and volume will be based on the standard inch per acre for the 38.3 acres or 0.77 cfs. The volume will also be based on the 4.5 afa per acre standard for the 38.3 acres or 172.4 afa. Due to time restraints, it was determined that this claim should be used to recommend this right and proceed through the adjudication process instead of reviving the current licensed right 63-2936.

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
Contacts	5/17/2006 2:20:42 PM	dnelson			Active
Priority Date	5/17/2006 2:21:44 PM	dnelson			Active
POD	5/17/2006 2:22:54 PM	dnelson			Active
Source	5/17/2006 2:23:54 PM	dnelson			Active
POU	5/17/2006 2:25:16 PM	dnelson			Active
Use	5/17/2006 2:26:09 PM	dnelson			Active
Season	5/17/2006 2:27:48 PM	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>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26224 V1

Summary	4/3/2006 6:47:54 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?
Season	5/17/2006 2:27:48 PM	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? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Summary	5/17/2006 2:35:56 PM	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?
General	5/17/2006 2:21:44 PM	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? Description for Question 12/13 - Using licensed date for priority date

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26224 V1

Source	5/17/2006 2:23:54 PM	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 - Source was determined through licensing exam for 63-2926.
POU	5/17/2006 2:25:16 PM	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 - POU was determined through licensing exam for 63-2926.
Contacts	5/17/2006 2:20:42 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Basing claim from previously licensed water right 63-2936.
POD	5/17/2006 2:22:42 PM	dnelson	Updated shape
POD	5/17/2006 2:22:54 PM	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 2:24:56 PM	dnelson	Updated shape for Active POU
Use	5/17/2006 2:26:09 PM	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 - Purpose of use was determined through licensing exam for 63-2926.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-26224 V1

MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-26224

FROM: DANIEL A. NELSON

DATE: 5/17/06

SUBJECT: CLAIM REVIEW

This claim was filed on lands previously licensed under water right 63-2936. The reason this beneficial use claim was filed for in the SRBA instead of the license was to attain a higher rate of diversion. Previously licensed right 63-2936 was already licensed at the full allocation of water or one minor inch per acre. The increase in rate of diversion would allow 1½ inches of water per acre. The claimant did not provide any additional information that would justify the need or use of an increased flow from this well.

Therefore, this claim will be recommended as licensed under water right 63-2936, except for the number of acres irrigated. The number of acres listed on the license was 40 acres, but it is obvious from the 1987 aerial photography that the claimed amount of 38.3 acres is a more accurate accounting of the lands irrigated. The flow rate and volume will be based on the standard inch per acre for the 38.3 acres or 0.77 cfs. The volume will also be based on the 4.5 afa per acre standard for the 38.3 acres or 172.4 afa. Due to time restraints, it was determined that this claim should be used to recommend this right and proceed through the adjudication process instead of reviving the current licensed right 63-2936.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-26224

WATER RIGHT NUMBER: 63-26224

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RUTH M MARSHALL 1824 FILLMORE CALDWELL, ID 83605 (208)459-8073
Current Owner	STEPHEN W MARSHALL 1824 FILLMORE CALDWELL, ID 83605 (208)459-8073

Priority Date: 04/15/1953

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

4/15 to 10/15

Diversion Rate

1.200 CFS

Annual VolumeTotal Diversion:

1.200 CFS

 $172.4 \text{ afa} = 4.5 \times 38.3 = 172.4$ Location of Point(s) of Diversion

GROUND WATER

CANYON County

SE1/4SE1/4

Sec. 3, Twp 03N, Rge 03W, B.M.

Limit TO ~~0.77~~ 0.77 CFS (inch/acrf) $0.02 \times 38.3 = 0.77 \text{ cfs}$

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	03W	3																	38.3

Total Acres: 38.3

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 3/1/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

Mitigation Plan: False

Combined Use Limits:

Recommended as
licensed under
63-2936.

Conditions
water right.

Replaces 63-2936.

wyo ~~code~~ Pioneer irrig. Dist.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2936

WATER RIGHT NUMBER: 63-2936

Owner Type Name and Address
 Current Owner JAMES J KORN
 CALDWELL, ID 83605

Priority Date: 04/06/1953

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.800 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		0.800 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 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

Total Acres: 40

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

State of Idaho
License and Certificate of Water Right

Water License No. G-23998

Amount 0.8 second foot

Water District No. _____

Priority April 6, 1955

THIS IS TO CERTIFY that JAMES J. KORN
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 6, 1955; that Permit No. G-23998
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second foot, was issued thereunder on July 6, 1955, showing that said works
were completed on the 23rd day of May, 1955; and that on the 23rd
day of May, 1955,

JAMES J. KORN
of Caldwell, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
~~underground~~ (Subterranean flow), for the purpose of irrigation and domestic
use, under Use Permit No. G-23998 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5512, on the 6th day of July, 1955;
The right hereby confirmed dates from April 6, 1955;

The Point of Diversion is located
in the SE 1/4 SE 1/4, Sec. 3, Tp. 3 N., R. 3 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	3	SE 1/4 SE 1/4	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
6th day of July, 1955.

(SEAL)

MARK R. KILP
State Reclamation Engineer.

63 2936

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-31780
Permit No. G- 23998
District No.

1. Name of Applicant: James J. Korn
Postoffice address: Rt. 3, Caldwell County: Canyon State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 0.8 or Idaho
Miners' inches 40 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: drilled well
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3
Twp. 3 N , Rge. 3 W , B.M., County of Canyon
5. Water is to be used for: Domestic and irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well - Pump - ditches
8. Estimated cost of works: \$ 2,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 2 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Twp.	Range	Sec.	NE¼ NE¼NW¼SW¼SE¼	NW¼ NE¼NW¼SW¼SE¼	SW¼ NE¼NW¼SW¼SE¼	SE¼ NE¼NW¼SW¼SE¼	Totals
3 N	3 W	3				40	40 a.
Permit No. G-23998 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that JAMES J. KORN of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. G-23998, issued upon Application No. G-51780 bearing date of priority of April 6, 1953, authorizing the diversion of 0.8 second foot of the waters of a well (subterranean flow) County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.8 second foot of the waters of said well; That the point of diversion of said waters is in the SE¼SE¼ Section 3, Township 3 North, Range 3 West, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE¼SE¼ Section 3, Township 3 North, Range 3 West, B.M. MARK R. KULP State Reclamation Engineer Witness my hand this 6th day of July, A. D. 1955. Proof of Completion of Works made May 23, 1955. Certificate of Completion of Works issued July 6, 1955. LICENSE ISSUED FOR 2.2... SEC. 1 P. 5512							

WRD417

WATER RIGHTS PROOF READING REPORT

04/02/85

PAGE 142

WATER RIGHT NUMBER 63-2936

OWNER LAST NAME - KORN

ADDRESS LINE 1 -

ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - SESE 03 03N 03W LOT

FROM - TO -

USE - IRRIGATION

USE - DOMESTIC

DEGREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE -

DIVERSION MEANS -

FIRST NAME - JAMES J

ADDRESS LINE 2 -

CITY - CALDWELL

TRIBUTARY OF -

PRIORITY - 04-06-1953

WATER DIST. -

0.0 0.0

USE DIV. RATE -

USE DIV. RATE -

PLACE OF USE - TOWN 03N-RNG 03W-SEC 03

TRACT SESE-LOT

DATE -

ORIG OWNER -

STATE - ID

ZIP CODE - 83605

TOTAL DIV. RATE -

RIGHT BASIS -

0.0 0.0

USE DIV. VOLUME -

USE DIV. VOLUME -

AC 40

TOTAL ACRES

40

VERIFIED

5/13/85

HEARING -

PROTESTED -

PERMIT/DENIED -

COND. OF APPROVAL -

OLD NO. - 23998

3/79

IDENT. NO. 63-2936

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

✓
July 6, 1955

RE: Permit No. G-23998

Mr. James J. Korn
Route 3
Caldwell, Idaho

Dear Mr. Korn:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. G-23998 confirming your right to the use of 0.8 second foot or forty inches of water from a well in the SE¹SE¹ Section 3, Township 3 North, Range 3 West, B.M. with priority of April 6, 1953 for irrigation and domestic use on the same subdivision.

We also enclose departmental receipt No. 27422 for \$7.00 which includes \$5.00 for Certificate of Completion of Works and \$2.00 License fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

#23998

✓
June 29, 1955

RE: Permit No. G-23998

Mr. James J. Korn
Route 3
Caldwell, Idaho

Dear Mr. Korn:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on your Permit No. G-23998.

A Certificate of Completion of Works and License can, therefore, be issued for 0.8 of a second foot or 40 inches of water from your well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, Township 3 North, Range 3 West, B.M. for use on the same subdivision.

The statutory fees amount to \$5.00 for completion of works and \$2.00 License fee or a total of \$7.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

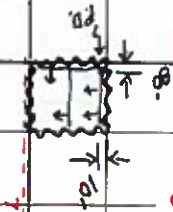
Chief Clerk

A:hl1

f 23998

823998

Subdivision = one
Area = 40 acres
 $\phi = 40 \text{ inches.}$



TO CALDWELL

R-3W

3

T. 3 N.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23998

REPORT ON PROOF OF Completion of works & Beneficial use

JAMES J. KORN, Route 3, Caldwell, Idaho

app. 0.8 cfs

*.8 cfs
max*

40 acres

where water 17889605

1 ph. 240v. 60 cycle.

Ag. D safety switch

Whomse line starts

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

JUN 24 1955

Department of Reclamation

James J. Korn

Rte. 3, Caldwell, Idaho

Permit No. G-23998

Examination for Completion of works
and Beneficial use

County Canyon

3-3 N. - 3 W.

S = 0.8 a.t.s.

S = Well.

P.D. = SE. SE. Sec. 3, T. 3 N. - R. 3 W.

Use domestic irrigation

T = 57 1/2° F.

Priority = April 6, 1953
Due

F. More 5 hp. 1 ph.
532476 220V.

F. M. Cent. pump.

4 1/2" 5"

Well = 72" x 10"
ced to bottom

h = 12' dd to 18'

Pit 4 1/2" W x 6' x 8' h.

Solid wood cover

shed type slightly above
ground level

Average lift 16' est.

3 M. 48 sec = 500 of

180
238 sec. 63"

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-23998This proof is for Completion of works & Beneficial Use In Water District No. _____

1. Name of applicant James J. Korn, Route 3, Caldwell, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the SE¹ SE¹ of Section 3
T. 3 N. R. 3 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Well is 72' deep by 10" diameter cased to bottom. H=12'. Draw down is 6'. Total lift estimated at 16' to 18'. Fairbanks Morse 5-hp, single-phase motor, Serial No. 532476, Fairbanks Morse Centrifugal Pump size 4" by 5". Delivery to the West through 6" pipe into an open ditch. Water was measured through a Sparling Meter. Delivery was 63".

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE¹ SE¹ Section 3, Twp. 3 North, Range 3 West, B. M.See the map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Crops are Hay and GrainThis is supplemental water.This examination was made on the 24th day of June, 1955.(Signed) B. H. Humphrey Examiner.23998

May 25, 1955

RE: Permit No. G-23928

Mr. James J. Korn
Route # 3
Caldwell, Idaho

Dear Mr. Korn:

We acknowledge receipt of the depositions of yourself and two witnesses also Affidavit of Mr. W. W. Moore, Notary Public. These together with the Affidavit of Publication previously sent us completes your proof of Completion of Works and Beneficial Use on Permit No. G-23928.

Before final action is taken the law requires that a field examination be made by an engineer from this Department.

We cannot say just when this examination will be made, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

Meanwhile, we enclose your receipted bill for cost of Publication which you will doubtless wish to keep in your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

103998

Pioneer Irrigation District

BOX 426
CALDWELL, IDAHO

DIRECTORS:
EARL HORTON
WAYNE HAUGLE
JOHN TURNER

W. W. MOORE, SEC. - TREAS.
J. O. BAUM, SUPT.

***** A F F I D A V I T*****

I, W.W. Moore Notary Public in and for the State of Idaho, with residence at Nampa, Idaho do hereby swear that my office was open on March 30th, 1955, the date set for proof of Completion of Works and Beneficial Use of Permit # G-23998 issued to James J. Korn. Also that no one appeared on that date or any other date to file any protest to said Permit. And that the taking of Proof was postponed until this date.

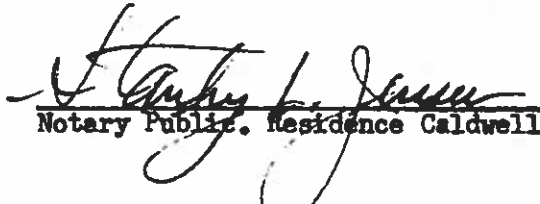
Signed this 23rd, day of May, 1955.



W.W. Moore

State of Idaho)
) SS
County of Canyon)

On this 23rd day of May, 1955 personally appeared W.W. Moore before me, and acknowledged to me that he signed the above Affidavit.



Notary Public. Residence Caldwell, Idaho

23998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 25 1955
Department of Reclamation

Permit No. 0-23998

Proof of Application of Water to Beneficial Use
————— and Completion of Works
Deposition of Holder
—————

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. James J. Korn, RR # 3, Caldwell, Idaho, Farmer.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. No

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 23998 April 17th, 1955. June 17th, 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Well located on SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3 Twp. 3 N Range 3W.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Well is 72 feet deep. Casing is 10 inch and is 70 feet in depth. Water is within 11 feet of the surface. Pump throws 60 inches.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, and Domestic. Will be used on SE $\frac{1}{4}$ S E $\frac{1}{4}$ of Sec. 3, Twp. 3 N., Rang. 3 W.B.M.

23998

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. No

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 1 inch per acre.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Approximately 60 inches of water has been pumped from this well
during the last 3 years and used for irrigation.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. There is about 20 inches of water on the average delivered for
this ground from the irrigation system of the Pioneer Irrigation District.

(Sign) _____

James J. Horn

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Caldwell County of Canyon

State of Idaho, on this 23rd day of May, A. D. 19 55.

W.W. Moore
W.W. Moore Notary Public

My commission expires 11-3-1957

823998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23998

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Jake Schilling, Age 75, Caldwell, Idaho RR# 3, Farmer

Ques. 2. Are you acquainted with James J. Korn, the holder of Permit No. G-23998? How long have you known him and where does he reside?

Ans. 5 years. On farm South of Caldwell, Idaho

Ques. 3. Have you read or heard read said Permit No. G-23998, and are you familiar with its provisions and conditions?

Ans. yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well located on SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3 Twp. 3 N, Rng. 3 W.E.M.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. One second foot.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Approximately 60 inches. Thru a weir.

23998

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation on SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 3, Twp. 3 N. Rng. 3, W.B.M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. one inch per acre

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have watched Mr. Korn irrigate this land from this pump for the last three years.

(Signed) Jake Spilling

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell, Idaho, County of Canyon, State of Idaho, on this 23rd day of May, A. D. 1955.

H. H. Mame

Notary Public.

My commission expires 11-3-1957

Q 2 3998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-23998

Proof of Application of Water to Beneficial Use
Deposition of Witness ^{and Completion of Works}

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Joseph Apland. Age 62. Caldwell, Idaho RR # 4. Farmer

Ques. 2. Are you acquainted with James J. Korn, the holder of Permit No. G-23998? How long have you known him and where does he reside?

Ans. 12 years. Caldwell, Idaho on farm.

Ques. 3. Have you read or heard read said Permit No. G-23998, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well. Irrigation ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1 second foot.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Approximately 60 inches. Measured thru a weir.

G 23998

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation on SE $\frac{1}{4}$ Sec. 3, Twp. 3 N, Rng. 3 W.B.M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. One inch per acre

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Mr. Korn has been using this well for about three years
to irrigate this place.

(Signed) _____

Joseph Ireland

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Calderwell, Idaho, County of Canyon, State of Idaho, on this 23rd day of May, A. D. 1955.

H. H. Moore

Notary Public.

My commission expires 11-3-1957

L23998

✓
May 17, 1955

RE: Permit No. G-23998

Mr. James J. Korn
Route # 3
Caldwell, Idaho

Dear Mr. Korn:

Your letter of May 14 reached us this morning and we are very sorry that we overlooked sending you the forms of deposition to be executed by yourself and two witnesses in proof of Completion of Works and Beneficial Use on your Permit No. G-23998.

The Forms of deposition are enclosed herewith.

Also since the notice stated that these proofs were to be made on March 30 and of course can not be made until a later date the depositions should be accompanied by an Affidavit from Mr. W. W. Moore, Notary Public, stating that his Office was open on March 30, 1955, the date set for proofs, that no Protests were filed (if such was the case) and that the taking of the proofs was postponed until a later date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

423998

May 14 - 55

Mr. Mark R. Kulp
State Reclamation Engineer
Boise Idaho

Dear Sir:

In regards to Permit No. Gr-23998
I as yet have not received any necessary
form of Deposition to be executed by myself
and two witnesses in making this proof.
I am also enclosing the Affidavit of
Publication which has already been published.
Please let me know what ~~provisions~~
to take in completing this proof.
Also please return Affidavit of Publication.

Very truly yours
James F. Horn
BN#3 Caldwell, Idaho

#23998

Affidavit of Publication

STATE OF IDAHO,

County of Canyon

ss.

Virgil Hey
Foreman

, being first duly sworn, deposes and says;

That he is the _____ of WESTERN IDAHO PUBLISHERS, INC., publisher of The News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The News-Tribune, a daily newspaper, has all the time since the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, announced the day of the week to-wit: Saturday, on which legal notice required by law or by order of any Court of competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho and has been for a period of seventy-eight weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular



Saturday issue of The
News-Tribune for *4* consecutive weeks
beginning with the issue of *March 5,*
19 *55* and ending with the issue of *March*
26, 19 *55*

Virgil S. Hey
Subscribed and sworn to before me this *26*
day of *March*, 19 *55*.

H. G. Bachman

Notary Public for Idaho
Residing at Caldwell, Idaho

23998

THE
SERVING IDAHO'S
NEWS
FARM MARKET
TRIBUNE
SINCE 1883

BOX 491 - PH. 8-4611

CALDWELL, IDAHO

923998

March 2, 1955

RECEIVED
MAR 3 1955
Department of Reclamation

Mark R. Culp, State Reclamation Engineer,
Department of Reclamation,
State of Idaho
Boise, Idaho

Dear Sir:

We are in receipt of legal Permit No. G-23998,
for James J. Korn to be published four consecutive
weeks prior to March 30, 1955.

This legal will be published March 5, 12, 19
and 26.

Very truly yours,

THE NEWS-TRIBUNE

By H. G. Cushman

923998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. G-23998

Date: March 1, 1955

Caldwell News-Tribune

Caldwell, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to March 30, 1955 the date set for proof, the expense of the publication to be paid by the applicant, James J. Korn of Route 3 Caldwell, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

23998

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 30th day of March, 1955, at Caldwell, County of Canyon, State of Idaho, before W.W. Moore a Notary Public, proof will be submitted of the completion of works for the diversion of ~~10.8~~ 0.8 cubic feet per second of the waters of ~~a well located in~~ SE 1/4 of Sec. 3 Twp. 3 Rng. 3 W.B.M. of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. ~~8-23998~~ heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are James J. Korn, RR # 3, Caldwell, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is ~~10.8~~ 0.8 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is ~~10.8~~ 0.8 cubic feet per second.

4. The place where said water is used is SE 1/4 of SE 1/4 of Sec. 3 Twp. 3 Rng 3 W.B.M.

5. The date of priority which said user is prepared to establish is

November 6, 1953

823998

MARK R. KULP

State Reclamation Engineer

✓
February 12, 1955

RE: Permit No. G-23998

Mr. James J. Korn
Route # 3
Caldwell, Idaho

Dear Mr. Korn:

We are in receipt of duplicate notice for proof of Completion of Works and Beneficial Use on your Permit No. G-23998 to be made March 30, 1955, and authorization to publish in the Caldwell News Tribune.

We note that you have made this out for 1.2 second foot of 60 inches whereas the Permit is for only 0.8 second foot or 40 inches.

We shall change the notice accordingly and shall send a copy to the Caldwell News Tribune with instructions to publish ~~once a week~~ for four weeks prior to March 30, 1955, and to send you the Affidavit of Publication together with statement of costs.

We shall also send you the necessary forms of deposition to be executed by yourself and two witnesses in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

A:cu

23998

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 10th, 1955

(P. O.) RR # 3, Caldwell, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Caldwell News Tribune of Caldwell, Idaho published in
the county in which the works are situated.

James J. Horn

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

23998

RE: Permit No. G-23998

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho
February 1, 1955

Mr. James J. Kern
Route 3
Caldwell, Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. G-23998. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than April 17, 1955.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

23998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

P O I C E

Permit No. G-23998 Date April 30, 1953

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. James J. Korn
Route #3
Caldwell, Idaho

MARK R. EULP
State Reclamation Engineer

Enc: Receipt No. 25770 for the \$5.00 filing fee.

23998

Top 8 N. R. 5 W.

3

well

S. Indiana Avenue

Permit Map No. 6-23998

As Approved

APR 17 1953

MARK R. KULP

State Reclamation Engineer

Notice is hereby given that at 10:00 a.m. on the 36th day of March, 1956, at Caldwell, County of Canyon, State of Idaho, before J. W. W. Moore a Notary Public, proof will be submitted of the completion of works for the diversion of 0.8 cubic foot per second of the waters of a well located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3 Twp. 3 Rng. 3 W $\frac{1}{2}$ SE $\frac{1}{4}$ and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-2398 heretofore issued by the Department of Reclamation of the State of Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 0.8 cubic foot per second.

4. The place where said water is used is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 3

REAL PROPERTY INQUIRY

```
+++++
01 7R32564-000- -0 059-00 SCH139+ 01 29,300 36.64
+++++
19 1.70
KORN, ADA B +
% MARSHALL, STEPHEN W +
+
+
+
1824 FILLMORE ST +
CALDWELL ID 83605 +
+++++
03-3N-3W SE + TOTAL 29,300 38.34
SESE LESS TAX 8 +
+ SURVEY INST 8907756
+ DRAIN DR VALUE APPR MKB
+ CLASS REAP 96 MAN UNIT 0
+ PARCEL 7R03N03W039000 H/O N C/B N
+ PRIOR ACCOUNT 6R32564-000- -0
+ 02 MH on Property NO
```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 04/03/2006 Time 9:33

REAL PROPERTY INQUIRY

```
+++++
01 6R32646-000- -0 059-00 SCH139+ 01 27,700 36.62
+++++
10 30,000 1.00
MC CARY, JOE E FAMILY TRUST + 19 1.50
% MC CARY, JOE E & + 31 212,400
% MC CARY, MARY JO TRUSTEES +
+
+
17235 HOMEDALE RD +
CALDWELL ID 83607 +
+++++
07-3N-3W NE + TOTAL 270,100 39.12
NE-NE LESS TAX 9 +
+ SURVEY INST 200527247
+ DRAIN DR VALUE APPR TAM
+ CLASS +3 REAP 04 MAN 03 UNIT 1
+ PARCEL 6R03N03W070100 H/O N C/B N
+ PRIOR ACCOUNT 5R32646-000- -0
+ 02 MH on Property NO
```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 04/03/2006 Time 9:34

REAL PROPERTY INQUIRY

```
+++++
01 6R32979-011- -0 145-00 N SCH131+ 01 73,100 104.64
+++++
19 5.00
HUFF, HERMAN + 32 27,000
& HUFF, RUTH-FAMILY TRUST +
+
+
14513 LAKE AVE +
NAMPA ID 83651 +
+++++
23-3N-3W SW + TOTAL 100,100 109.64
S 30AC NESW, SESW, SWSE LS TX 96810 +
+ SURVEY INST 200147866
+ DRAIN DR VALUE APPR TAM
+ CLASS BF REAP 04 MAN 03 UNIT 0
```


Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

Receipt Details for ID W009973

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/1/1990 10:11:52 AM	3/1/1990	Western	\$50.00	Check
Payer		MARSHALL, STEPHEN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1629			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	26224		\$50.00	Claim

[Print Report](#)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 11, 1992

RE: Notice of Claim to a Water Right No. A63-26224

Stephen W. &/or Ruth M. Marshall
1824 Fillmore
Caldwell, ID 83605

Dear Mr. and Mrs. Marshall:

Enclosed for your records is a computer generated copy of the above referenced claim to a water right and Departmental Receipt No. W009973 in the amount of \$50.00. Please check this claim over for any errors that I may have made while interpreting your claim form.

I have also reviewed the second claim you submitted and you will be receiving some correspondence on it in the near future.

If you have any questions regarding the above, please feel free to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED
SEP 14 1992

MEMORANDUM

DATE: 11-Feb-1992 13:28

TO: FILE A63-26224

FROM: KAY WALKER 

RE: NOTES TO EXAMINER

While reviewing this claim there are a few things that need to be looked at.

1. Old License 63-02936, which is a previous filing on this water use, pursuant to my review of the records.
2. Excessive flow claimed - claimant will need to submit evidence that he needs the claimed amount of water.
3. Other water rights - In searching our data base I found that Pioneer Irrigation District has claimed this 40-acre tract and paid the fee associated with the acreage. However, the claimant stated no other water rights were used on this land. Find out if irrigation district water is used or not.
4. The claimant will need to submit evidence of priority for this claim. The old licensing examination shows that the system was able to deliver 63" of water which may help provide evidence.

MICROFILMED

SEP 14 1992

Water Right Number - **AG3-02936** Prefix Translation: RESEARCH Old (D) Number - 23998

Last Name - First Name - Address -

*** C - CURRENT OWNER *** JAMES J. 1 - 2 - 3 - City- CALDWELL State- ID Zip- 83605
KORN Phone -

Priority Date - 04/06/1953 Region - 14 WESTERN Stage - 2 - SEE REMARKS Status -

Source - GROUNDWATER Tributary -

Twn Rng Sec Tract Lot RFlg County Point of Diversion -

03N 03W 3 SE SE (27) CANYON

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

01 - IRRIGATION 43 - DOMESTIC 0.800

Total Div. Rate - 0.800 Total Div. Volume - 0.0 Total Consumptive Use - 0.0 KW Usage -

Twn Rng Sec Tract Lot Acres Code Description County

03N 03W 3 SE SE 40.0 01 IRRIGATION (27) CANYON

Total Acres: 40.0

Diversion Means -
Non-Irrigation Use -
Other Rights for Same Use -
SEE NO. AG3-26224.
Remarks -
No Old Water Right Numbers Found
Old Water Right Numbers -
Conditions of Approval -
No Conditions of Approval found.

COPY
of
2936
File

Prefix Translation: RESEARCH

+ - Decree Date - +
00/00/0000

+ "Comments" .
No Comments Found

00/00/00 WALKER

-----+-----
Adjudication Rights Dates and Flags Area

Civil Case Number	-	39516
Old Case Number	-	
Old Judicial District	-	
Temporary Right	-	P
Water District	-	
Federal/State Indicator	-	S
Presumption Flag	-	
Notice of Error Flag	-	

Presumption Flag
Notice of Error Flag

Water Right Number - A63-02936

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 23998

*** C - CURRENT OWNER ***
KORN

JAMES J.

1 -

2 -

3 -

City- CALDWELL

State- ID zip- 83605

+ - - Priority Date - - +
04/06/1953+ - - Region - - - +
14 WESTERN

+ - - Stage - - - +

+ - - Status - - - +
2 - SEE REMARKS+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - Twn Rng Sec Tract Lot RFlg County Point of Diversion - - - - - +
03N 03W 3 SE SE (27) CANYON+ - - Code Description Period from Period To Water Use - - - - - Diversion Rate Diversion Volume
01 - IRRIGATION
43 - DOMESTIC
0.800+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
0.800+ - - Twn Rng Sec Tract Lot Acres Code Description County
03N 03W 3 SE SE 40.0 01 IRRIGATION (27) CANYON

Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - SEE-NO. A63-26224. - - - - - Remarks - - - - - +

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

+ - - Conditions of Approval - - - - - No Conditions of Approval found. - - - - - +

All records submitted

Prefix Translation: ADJUDICATION CLAIM

+ - Decree Date - +
00/00/0000

-----Comments-----
No Comments Found

Adjudication Rights Dates and Flags Area			
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000
Claim Received Date	- 02/11/1992	Last Amended Date	- 00/00/0000
		Receipt Number	- X7777777
		POU Ownership Flag	- Y
		Name Connector	-
		Civil Case Number	- 39576
		Old Case Number	-
		Old Judicial District	-
		Temporary Right	- P
		Water District	-
		Federal/State Indicator	- S
		Presumption Flag	-

MEMORANDUM

DATE: 11-Feb-1992 13:19

TO: FILE A63-02936

FROM: KAY WALKER *KW*

RE: STATUS

While reviewing non-data entered claim in the name of Stephen or Ruth Marshall, I found that they had not submitted enough fee for their claim. I searched our adjudication records to see if there was an overlapping right which the fee may have been submitted under. I found that Pioneer Irrigation District had paid the fee for this 40-acre tract and no further fee was needed from the Marshalls. I also checked the water right records for a previous filing and found License 63-02936 which covered the use from this well but did not cover the amount of water claimed under the B/U claim. (See Claim A63-26224).

In talking to Jan we decided that the easiest way to process this claim was to pull over A63-02936 which is entered with a status of "Z - see remarks" and in remarks "See No. A63-26224". I data entered Marshall's claim and will flag the file so the examiner will take precautions in recommending that filing.

MICROFILMED

AUG 18 1992