

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: A63-27976
Date Received: 9/ 8/1989
Receipt No: W005791
Received By: DE JOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: S A B Y 208-322-5600
Address: 6874 FAIRVIEW
BOISE ID 83704

2. Date of Priority: DEC 31, 1937

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	9	NW	NW	NW		ADA

5. Description of diverting works:
WELL, 6" CASING

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		
COMMERCIAL	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 8 HOMES; COMMERCIAL, 1 BUILDING

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10. Place of Use:

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	9	NW	NW		TRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	9	NW NW		COMMER	

Section Acres 2.0

Total Acres 2.0

11. Place of use in counties: ADA

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: _____

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State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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

Alb3-27976

Date Received

9-8-89

Receipt Number

W005791

RECEIVED

SEP 08 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) S. A. B. Y. Phone (208) 522-5600

Mailing Address 6874 Fairview Zip 83704

2. Date of Priority (Only one (1) per claim) 12-31-37

3. Source of water supply (a) well
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3N Range 1E Section 9,

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

Additional points of diversion if any: _____

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

Township 3N Range 1E Section 9, _____ 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, 6' casing .04 cfs

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For IRRIGATION purposes from 3-15 to 11-15 amount .04 or _____
 For Commercial purposes from 1-1 to 12-31 amount .04 or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 8 mobile homes, 1 Commercial Building

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	
<u>3N</u>	<u>1E</u>	<u>9</u>					<u>2</u>												<u>2</u>

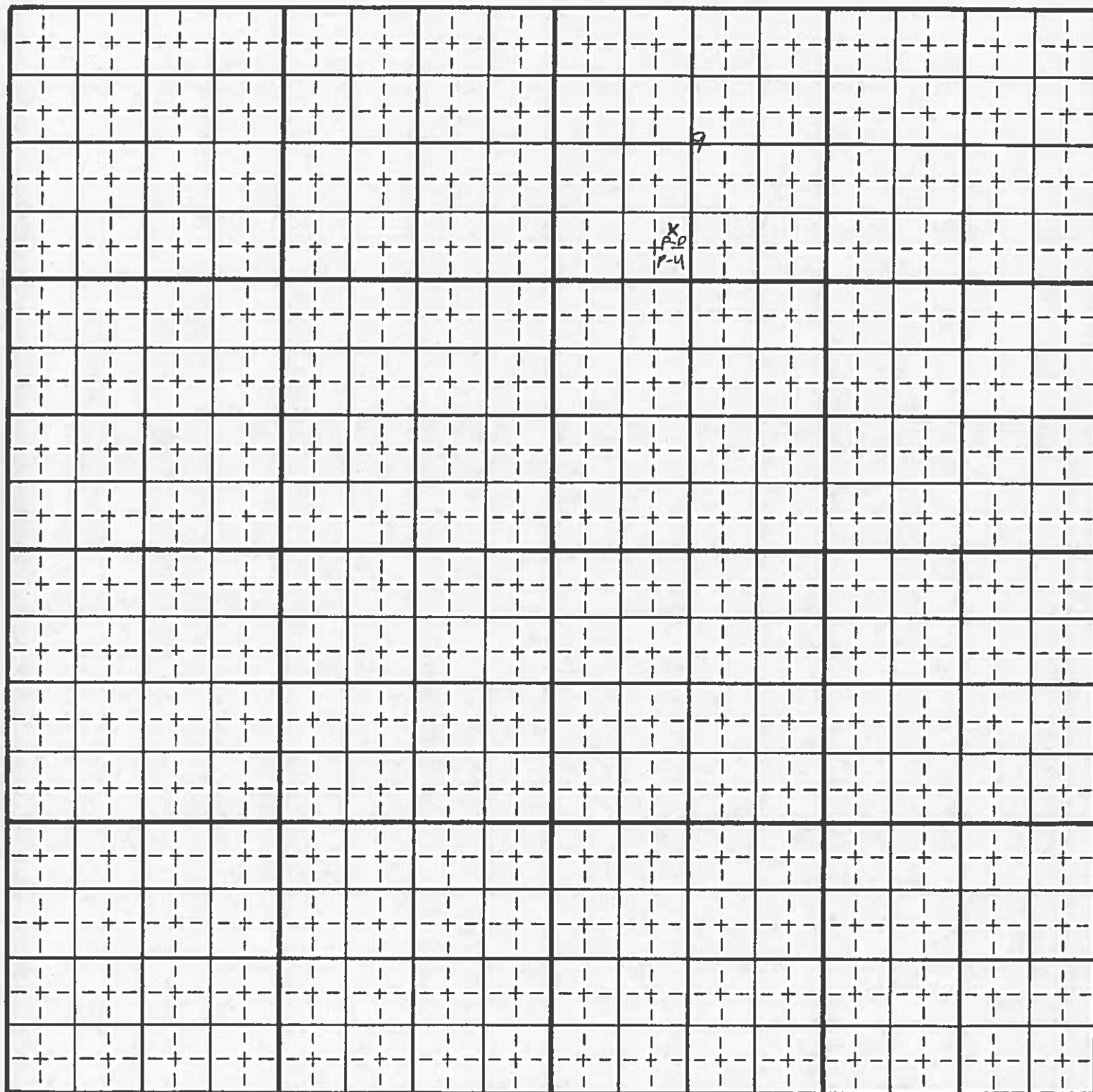
Total number of acres irrigated 2

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

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:



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 1

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

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

For Organizations: I do solemnly swear or affirm that I am MANAGER _____
of S.A.B.V. _____, that I have signed the foregoing
document in the space below as MANAGER of S.A.B.V.
_____ and that the statements contained in the foregoing document are true and correct.
Title Organization

Signature of Authorized Agent Michael Caven _____
Title and Organization MANAGER _____ Date 9-8-89

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

Subscribed and sworn (or affirmed) before me this 8 day of September 19 89

SEAL

Notary Public Lori Harris _____
Residing at Boise, Idaho _____
My Commission Expires 12-8-94 _____

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 _____

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EMPLOYEE Linda Warner

RE: Claims filed

#2 Priority date - they claimed 12-31-89
Should be 12-31-1939

#9 Quantity - .04 cfs claimed - actual
total = 0.12 - ~~0.072~~
0.12 cfs is what he wants to claim

Is the priority date acceptable in view of mandatory filing dates? . ☒ — *
See Adjudication Memos #1 and #4 to determine if a Permit is required.

3. (a) Is a source entered? ☒ — *
- (b) Is a tributary to entered? (if required) N/A ☒ —
4. Is the legal description of the p.d. sufficient? ☒ — *
5. Is there a description of the diverting works? ~~Delete .04 cfs~~ ☒ —
6. Are the water uses appropriate for the form? ☒ — *
- The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.
- Is the period of use included? ☒ —
- Is a quantity claimed for each use? ☒ — *
7. Is a total quantity claimed entered? 0.12 not 0.04 ☒ —
8. If required is a consumptive use entered? N/A ☒ —
- Is the consumptive use correct? N/A ☒ —
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? ☒ — *
- If multiple domestic, is single ownership indicated? ☒ —
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ — *
11. Is (are) the county(ies) entered? ☒ —
12. Is the ownership of p.u. checked? ☒ —
13. Are other water rights listed or "none" indicated? ☒ —
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.) N/A ☒ —
15. Is the basis of the claim indicated? ☒ —
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A ☒ —
- If yes, compare claim w/existing right and attach proof report noting any differences in comments.
- If no, was water right no. found? ☒ — *
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 description or name on the claim? N/A ☒ —
- (If yes, attach a proof report & complete number change)
- NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A ☒ —
19. Is the claim signed by the claimant, and is the signature appropriate? ☒ — *
20. Has the claim been signed, sealed, and dated by a notary? ☒ — *

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where the information for any changes was found.

Claim reviewed by: J. Warner Date 12-18-92
Claim data entered by: JH Date 12-31-92

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: See phone conversation memo

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/8/1989 4:16:52 PM	9/8/1989	Western	\$256.00	Check
Payer	CAVEN, MICHAEL			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1166			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$256.00	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	27957		\$56.00	Claim
63	27958		\$25.00	Claim
63	27959		\$25.00	Claim
63	27960		\$25.00	Claim
63	27961		\$25.00	Claim
63	27962		\$25.00	Claim
63	27966		\$25.00	Claim

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-27976

NAME AND ADDRESS: S A B Y
6874 FAIRVIEW
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
9.000 AFY

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

PRIORITY DATE: 03/01/1963

POINT OF DIVERSION:

T03N R01E S9 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.040 CFS 9.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 8 homes and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S09 NENE 2.0

DOMESTIC Within ADA County

T03N R01E S09 NENE

2 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.

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

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO. S1109110515.

PROPERTY IS ALSO KNOWN AS 12565 W FAIRVIEW, BOISE, ID.

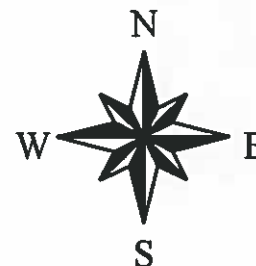


T3N R1E SECTION 9
Water Right(s) : 63-27976



1320 0 1320 2640 3960 Feet

TOTAL IRRIGATED ACRES = 2



● Point of Diversion

GIS Place of Use Illustration

WATER RIGHT NUMBER: 63-27976 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	S A B Y 6874 FAIRVIEW BOISE, ID 83704 (208)322-5600

Priority Date: 03/01/1963
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	0.040 CFS	9.00 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.080 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 9, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T03N R01E S09 NENE 2.0

Total Acres: 2

DOMESTIC Within ADA County

T03N R01E S09 NENE

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. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. WB5 Domestic use is for 8 homes and does not include lawn, garden, landscape, or other types of irrigation.

Remarks:

1. Explanatory PARCEL NO. S1109110515.

2. Explanatory PROPERTY IS ALSO KNOWN AS 12565 W FAIRVIEW, BOISE, ID.

Comments:

1. vmusic 2/9/2005 ERRORS IN CLAIMED LEGAL DESCRIPTIONS

Comment: BOTH THE POD AND POU WAS CLAIMED IN THE NWNW SEC 9 BUT ARE ACTUALLY LOCATED IN THE NENE SEC 9. RECOMMENDED CORRECT LEGAL DESCRIPTIONS.

2. vmusic 2/9/2005 EVIDENCE OF PRIORITY

Comment: SEE MEMO IN FILE. LETTER SENT TO BOTH REALTY CO THAT IS CLAIMANT OF RECORD AND NEW OWNER PER ADA CO TAX LOT INFO REQUESTING EVIDENCE BUT NO RESPONSE. ADVANCED PRIORITY DATE TO 1963 FOR DOM AND IRRIGATION BUT DELETED COMMERCIAL USE.

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>
Contacts	2/9/2005 9:26:12 AM	vmusic			Active
Priority Date	2/9/2005 9:27:04 AM	vmusic			Active
POD	2/9/2005 9:28:37 AM	vmusic			Active
Source	2/9/2005 9:29:06 AM	vmusic			Active
POU	2/9/2005 9:29:46 AM	vmusic			Active
Use	2/9/2005 9:32:13 AM	vmusic			Active
Season	2/9/2005 9:33:11 AM	vmusic			Active
Quantity	2/9/2005 9:34:40 AM	vmusic			Active
Summary			02/09/2005	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/9/2005 9:26:12 AM	vmusic	(No) 1. Do you want to schedule an appointment?
			Comment for 1: DESKTOP REVIEW

Priority Date	2/9/2005 9:27:05 AM	vmusic	(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 claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (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 - AERIAL PHOTOS FROM 1939, 1964, 1987, 2003
POD	2/9/2005 9:28:18 AM	vmusic	Edited point location
POD	2/9/2005 9:28:37 AM	vmusic	(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?
Source	2/9/2005 9:29:07 AM	vmusic	(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 - INTREPID EXAM
POU	2/9/2005 9:29:46 AM	vmusic	(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? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS AND ADA CO TAX LOT INFO

Use	2/9/2005 9:32:13 AM	vmusic	(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? (No) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - DELETED COMMERCIAL . IRRIGATION AND DOMESTIC VERIFIED BY ADA CO TAX LOT INFO AND AERIAL PHOTOS
Season	2/9/2005 9:33:11 AM	vmusic	(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? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	2/9/2005 9:34:40 AM	vmusic	(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? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE INTREPID EXAM Description for Question 10 - 2 AC X 4.5 AF = 9 AFA
Summary	2/9/2005 9:40:44 AM	vmusic	(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



DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 25, 2005

SABY
6874 FAIRVIEW AVE
BOISE, ID 83704

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-27976

Dear Claimant(s),

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 or re-file it. You indicated, when these claims were filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This claim(s) has not been confirmed by a previous filing with the Idaho Department of Water Resources (IDWR) since there is no decree, license, or permit on file to verify the use of this water. For this reason, IDWR 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.**"

If no evidence of this priority date 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. The required evidence supporting the priority date(s) requested needs to be submitted by February 4, 2005.

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.

Sincerely,

Vicky L. Music
Water Resource Agent



January 25, 2005

DIRK KEMPTHORNE
GovernorKARL J. DREHER
DirectorLILLIAN K SCHUTTE
6884 FAIRVIEW AVE
BOISE, ID 83704RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-27976

Dear Claimant(s),

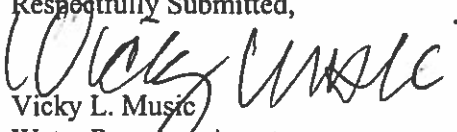
In the past, S A B Y submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. You may be the owner of these water right claims. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout or re-file it. S A B Y indicated, when these claims was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This 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.

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The required evidence supporting the priority date(s) requested needs to be submitted by February 4, 2005. 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.

Respectfully Submitted,


Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet

TO: CLAIM FILE NO. 63-27976
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: SRBA CLAIM ANALYSIS/ DESKTOP REVIEW
DATE: 1/25/2005
CC: N/A

This is a domestic, irrigation [2 acres] and commercial beneficial use claim for approximately 8 mobile homes. Parcel is 4.7 acres. There are several problems with this claim:

1 – LEGAL DESCRIPTION/OWNERSHIP OF POU/POD--there are mistakes in the claimed legal description – the claimed legal description of the pod/pou is different from the location as shown in the map the claimant attached to the claim. The claimed pod/pou is T3N R1E S9 NWNWNW and the map shows the property in the NESESW of S 9. Additionally, there is no address of the property. The claim address is SABY, a business name.

The phone # is for a realty company. I called to find out where the property is located and when I described it as a mobile home park, she gave me the address of 12565 W Fairview. They refer to it as the SABA Partnership Property. It is the Happy Acres Mobile Home Park. She was familiar with the name of the man that filed the claim, Michael Cavin, but said that he no longer worked there. Based on this information, the property is ACTUALLY located in the NENE of S 9.

Lastly, Ada Co Assessor shows owner as Lillian Schutte, 6884 Fairview, Boise, 83704. Parcel # S1109110515.

2 – DATE OF PRIORITY -- Notes attached to the claim state that the claimant originally claimed a 1989 priority date but called back a few years later and said he meant to file a 1937 priority date.

The 1939 aerial photo [copy attached] shows irrigation of the property but there is no house, therefore, no domestic use dating back that far. The Ada Co tax lot [attached] info states the mobile home park was built in 1972.

The 7/8/1964 aerial # DHT-3DD-102 [copy attached] shows some development, buildings, irrigation on southern part of parcel. However, there are not 8 mobile homes. Cannot determine if the use is commercial.

ACTION TO BE TAKEN

1 – EOP letter to both claimant and owner per Ada Co Assessor.

2 – if I get a response

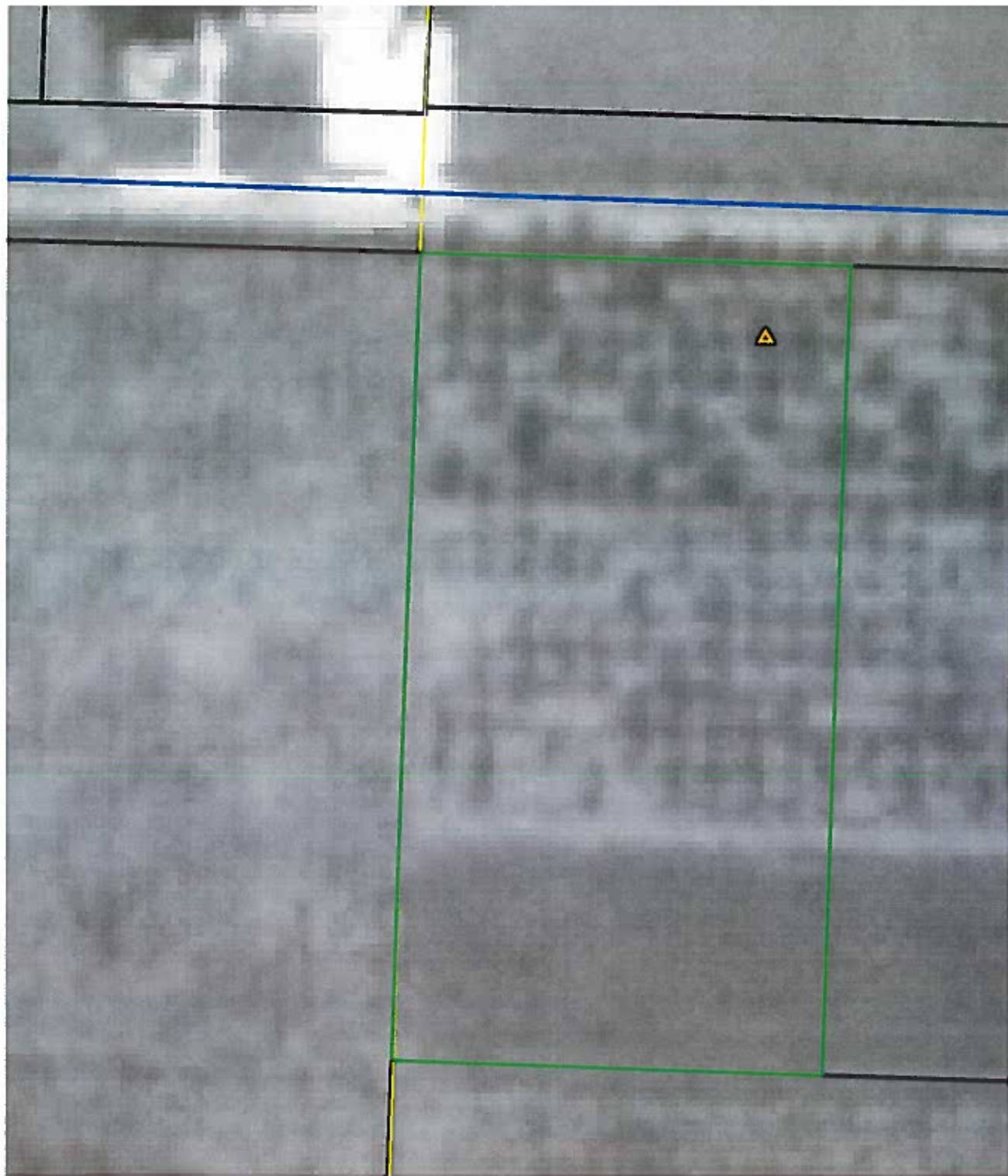
a - explain that I cannot recommend a 1937 priority date for the mobile home park.

b – what is the commercial use? Is it the building on the south part of the parcel? Date of construction? Cannot recommend 1937 for commercial use.

C – can advance the priority date to 1963 for the mobile home park, need separate claim for irrigation or can advance, need separate claim for commercial depending on what that actually is.

3 – If I don't get a response or adequate evidence, will advance priority date for entire claim to 1963 and possible delete or reduce quantity.

VLM





IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-27976

WATER RIGHT NUMBER: 63-27976

Owner Type Name and Address

Current Owner S A B Y
 6874 FAIRVIEW
 BOISE, ID 83704
 (208)322-5600

Priority Date: 12/31/1937

Basis: Beneficial Use

Status: Active

no app submitted. Advance to 3/1/1964

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01	to 12/31	0.040 CFS	<i>delete.</i>
IRRIGATION	3/15	to 11/15	0.040 CFS	
DOMESTIC	1/01	to 12/31	0.040 CFS	
<u>Total Diversion:</u>			0.120 CFS	

Location of Point(s) of Diversion

GROUND WATER

ADA County

~~NW1/4NW1/4NW1/4~~

Sec. 9, Twp 03N, Rge 01E, B.M.

NENE

Place of UseCOMMERCIAL Within ADA County

T03N R01E S09

~~NWNW~~

NENE

IRRIGATION Within ADA County

T03N R01E S09

~~NWNW~~

2.0

NENE

Total Acres: 2

DOMESTIC Within ADA County

T03N R01E S09

~~NWNW~~

NE NE

Conditions of Approval:Remarks:Comments:

DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-27916

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Ada CO. taxlot info: 51109110515
OWNER: Lillian K. Schulte

Accompanied by: _____

PRIORITY DATE Advance to 3/1/1963

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1937- GLE memo

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see claim & interpid exam

OVERLAP REVIEW

Other water rights with the same point of diversion:

none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

NA

WATER USES

☐ No change☐ Different Uses

Use down From 12/1 To 12/31 Amount .04 CFS AFA

Use irr From 3/1 To 11/15 Amount .04 CFS 9 AFA

Use ~~down~~ From To Amount CFS AFA

(2ac)(4.5afa) = 9afa or (.04)(1.9835)(240) = 20.62 afa

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount .04 CFS 9 AFA☐ Changes found, the new total is, Amount CFS AFA☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change☐ Changes Exam found: Domestic # of homes Stock # Types Additional comments:

PLACE OF USE:

4.1 ac parcel

☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: none

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: NA

Delivery System Narrative: see claim and intrepid exam.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

JOHNS AKA 12565 W Fairview
NO Q NOT a det of his b/u
11.05.16 for a minimal. minimal and discharge in. in.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

2-9-05

[Signature] *[Signature]*

976 POD OVERLAP REVIEW

<u>Quenc</u>	<u>Suff</u>	<u>Basis</u>	<u>Status</u>	<u>Right ID</u>	<u>Priority Date</u>	<u>Rate/</u>	<u>Volu</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
27976		Beneficial	Active	584551	12/31/1937	0.08	9	GROUND	DOMESTIC, IRRIG	S A B Y (Current)
15460		Decreed	Active	380004	12/31/1929	0.1		GROUND	DOMESTIC, STO	LLOYD WILSON HALL (Current)
15461		Decreed	Active	380005	12/31/1958	0.16		GROUND	DOMESTIC	LLOYD WILSON HALL (Current)
16792		Decreed	Active	377972	11/21/1927	0.04		GROUND	DOMESTIC	BOYD, ELSIE (Current); BOYD,
18333		Decreed	Active	186444	4/1/1972	0.04		GROUND	DOMESTIC	CLOVERDALE MEMORIAL PARK INC
21836		Decreed	Active	148324	12/31/1938	0.04		GROUND	DOMESTIC	PRICE, RICHARD (Current)

63-27976 PWA Overlap Review

<u>Priority</u>	<u>Date</u>	<u>Rate</u>	<u>Volume</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
1	7/15/1947	2.14		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
5	11/28/1975	3.63		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
5	6/28/1976	1.89		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	CITY OF MERIDIAN (Current)
5	6/28/1976	2		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	CITY OF MERIDIAN (Current)
3	2/10/1977	1.78		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
1	7/19/1977	4		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
3	6/6/1978	4		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
3	1/9/1979	4		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
1	1/9/1979	4		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
5	3/20/1979	2.23		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
5	4/3/1979	4.23		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
3	2/25/1987	2.7		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
2	9/19/1986	1.78		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
1	3/17/1987	2.7		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
5	9/9/1987	1		GROUND W/ MUNICIPAL	GROUND W/ MUNICIPAL	UNITED WATER IDAHO INC (Current)
1	12/31/1929	0.1		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	S LLOYD WILSON HALL (Current)
5	12/31/1958	0.16		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	LLOYD WILSON HALL (Current)
						BOYD, ELSIE (Current); BOYD, JAMES
2	11/21/1927	0.04		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	(Current)
1	12/31/1938	0.04		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	PRICE, RICHARD (Current)
1	12/31/1937	0.08	9	GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	II S A B Y (Current)
						GIBSON JR, DANIEL G (Current); GIBSON,
5	8/25/1989	0.71	133	GROUND W/ DIVERSION	GROUND W/ DIVERSION	T CAROLYN A (Current)
						GIBSON JR, DANIEL G (Current); GIBSON,
5	8/25/1989	0.71	133	GROUND W/ DIVERSION	GROUND W/ DIVERSION	T CAROLYN A (Current)
1	12/31/1929	0.1		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	S LLOYD WILSON HALL (Current)
5	12/31/1958	0.16		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	LLOYD WILSON HALL (Current)
						BOYD, ELSIE (Current); BOYD, JAMES
2	11/21/1927	0.04		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	(Current)
						CLOVERDALE MEMORIAL PARK INC
1	4/1/1972	0.04		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	(Current)
1	12/31/1938	0.04		GROUND W/ DOMESTIC	GROUND W/ DOMESTIC	PRICE, RICHARD (Current)
						GIBSON JR, DANIEL G (Current); GIBSON,
5	8/25/1989	0.71	133	GROUND W/ DIVERSION	GROUND W/ DIVERSION	T CAROLYN A (Current)

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Property Details for Parcel S1109110515

General Information

Property Acres: 5.000
Zone Code: C-2D
Primary Code Area: 02-24 Tax Districts
Group Type: SECT
Subdivision: 3N 1E 09
Section: 3N1E09

Property Description

PAR #0515 OF NE4
SEC 9 3N 1E



Property Address

12565 W FAIRVIEW AVE
BOISE, ID 83713

[Click to View Interactive M](#)

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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	420-COM IMPROVEMENT	0.000	\$18,300	INCOME
Primary	210-COM LOT OR TRACT	5.000	\$658,800	MARKET

Total Assessed Value: \$677,100

Parcel Valuation History

Assessed value for year 2004 \$677,100
Assessed value for year 2003 \$676,400
Assessed value for year 2002 \$622,600
Assessed value for year 2001 \$599,300
Assessed value for year 2000 \$292,700

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Property Characteristics

Commercial
Land

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Commercial**Land****Commercial Characteristics 1 for Parcel "S1109110515"**

Commercial Group Type:	MOBILE HOME PARK - RENT X 100 X MONTHS X UNI
Year Built:	1972
Remodel Year:	0
Occupancy Date:	No Date Available
Business Name:	HAPPY ACRES MOBILE
Number of Floors:	1
Number of Units:	8
Leasable Sq Ft:	0
Ground Floor Sq Ft:	1
Excess Land Sq Ft:	185130
Used Land Acres:	0.75
Used Land Sq Ft:	32670
Excess Land Acres:	4.25
Total Land Sq Ft:	1
Total Land Acres:	5.0
Method:	INCOME

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Commercial**Land****Land Characteristics 1 for Parcel "S1109110515"**

Residential Acres:	0.000
Commercial Acres:	5.000
Other Acres:	0.000
MLS Area:	650 - W Boise - Meridian Dist
Street:	None
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 9, 2001

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

Dear Claimant:

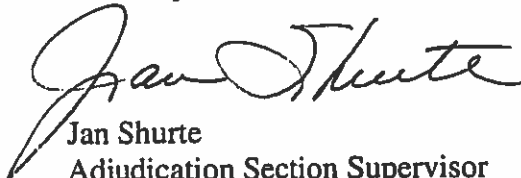
As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist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

The purpose of this letter is to advise you that Intrepid 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 Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid 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 Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,



Jan Shurte
Adjudication Section Supervisor

[December 1977]
Michael Caven
6874 Fairview
Boise, ID 83704
[]

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Dear Claimant(s):

We have processed your Notice(s) of Claim to a Water Right filed in the Snake River Basin Adjudication.

In the initial review of this claim(s) we found it necessary to either complete or change an item or items on your claim form(s). A copy of the computer generated copy with these changes and Receipt No. N/A are enclosed. Only the item(s) shown below with a checkmark have been either changed or added to your claim(s).

SEE NEXT PAGE.

_____ Item #2 - Only a portion of your priority date was listed. This item requires a month, day and year. We have added in the required information based on the Department's rules for dates of priority.

_____ Item #4 - The point of diversion appears to be incorrectly described or not described at all. Based on other information provided which included your legal description, we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, enclosed is a copy of the subdivision map from which we computed the quarter-quarter legal description.

_____ Item #5 - No description of diverting works was listed. Because the source was described as a groundwater source, we have completed this item with well, pump and pipeline. If your groundwater source is not a well, please notify us.

_____ Item #6 - The period of use is not listed for the use(s) claimed. The Department has recommended periods of use for certain uses. The recommended period of use has been added to your claim.

Item #9 - The number of homes was not listed on your claim. It appears to be filed for one domestic home and this information has been added to your claim.

Item #10- The place of use appears to be incorrectly described, or not described at all. Based on other information submitted we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, we have enclosed a copy of the subdivision map from which we computed the quarter-quarter legal description. Or, if you have listed a quarter-quarter legal description under Item No. 4, we have listed this same quarter-quarter, section township and range on this item.

Item #12- The ownership of the place of use has not been marked. We have assumed you own the place of use and this information has been added to your claim.

Item #15- Basis of Claim was not completed. No previously recorded water rights were found, therefore, we have marked beneficial use of the water as the basis for filing this claim.

X other The priority date & total quantity were modified
based on our phone conversation of 12-18-92

L.R.W.

If you have any problems or questions concerning these additions and/or changes, please contact this office within 30 days from the date of this letter. If we do not hear from you within this time, we will assume you agree with these changes, and your claim will remain on file as shown on the enclosed data entered copy.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1E	9						2											2
GIS									38											38
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 2

Total GIS Acres: 38

Overlapping POU Claim #'s:

COMMENTS:

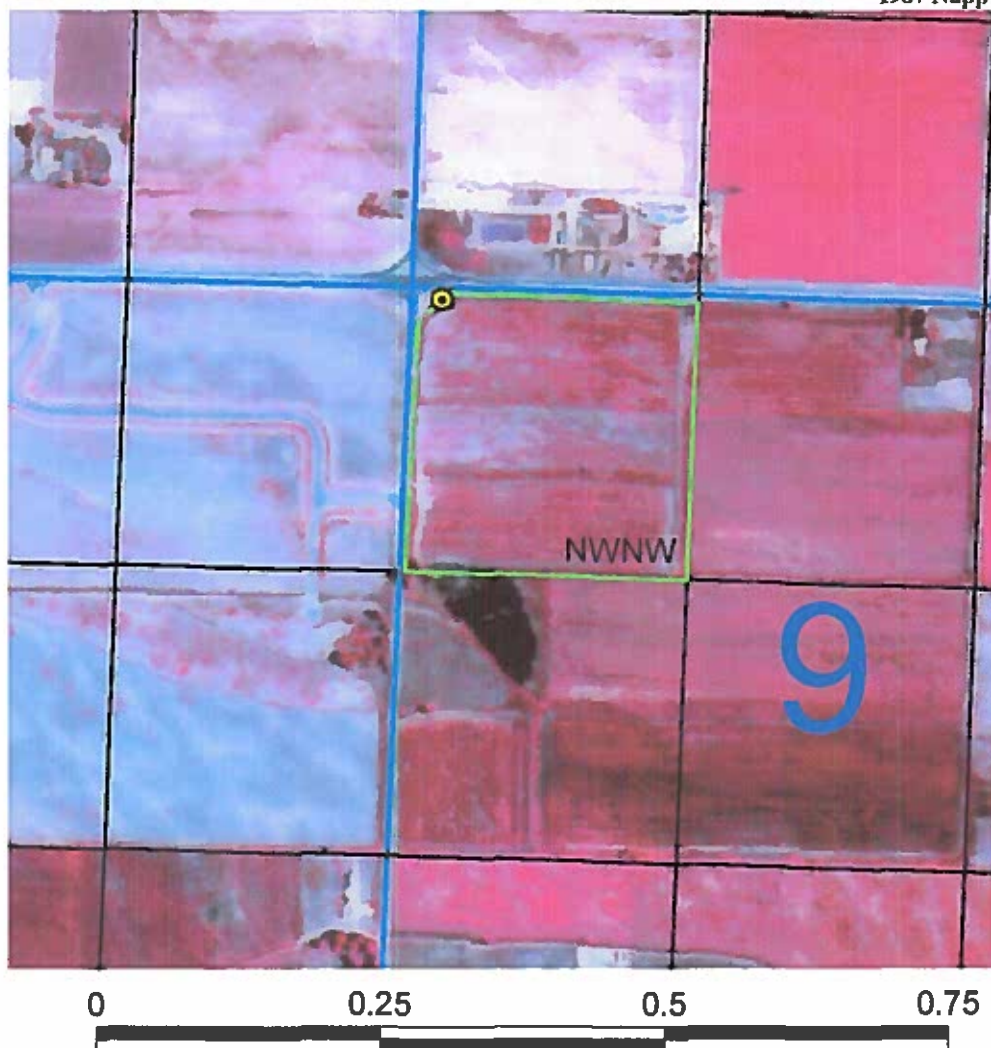
Unable to determine acres. County data, & claim map
no help.

Idaho Department of Water Resources

Idaho Water Right Number: 63-27976
Location: T03N, R01E, S9
Reviewed By:

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

1987 Napp





RIGHT ID [05] [2750]
POD ID [275633]
Quad [Cloverdale 1]
Claim Type [Small]
Easting [311392]
Northing [282466]
GPSID [A0013061]

WELL, C Casing. Located in brick structure.

Assumptions

Horse power, pressure head, and elevation head.

Invoice #

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

Photos\275633a.JPG

EPE (ft)

11

Date (M/D/Y)

12/7/01

Time

9.42

Flow Rate (CFS)

0.14

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

0

Depth

0

☐ Rectangular Channel

Width

0

Depth

0

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

0

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

0

Width of weir

0

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel
Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033

Pumped System

☒

HP

3

Pressure Head (psi)

35

Elevation Head (ft)

50

Motor Mfg

Motor Serial #

Pump Type

Submersible

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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