



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

March 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

37-12305
DANIEL R NELSON
PATRICIA J NELSON
731 WYNDEMERE
BOISE ID 83702

RE: Domestic and/or Stockwater Rights in Reporting Area 16, Basin 37
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 37 (the Big Wood River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 37 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Hailey, Fairfield, Gooding, Shoshone, Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period. You will receive your decree from the SRBA Court.

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

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
4192

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 3, 1999
PAGE: 1

RIGHT NUMBER: 37-12305

NAME AND ADDRESS: DANIEL R NELSON
PATRICIA J NELSON
731 WYNDEMERE
BOISE ID 83702

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY-DATE: 12/01/1970

POINT OF DIVERSION T04N R17E S11 SESW Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	04-01 10-01	0.04 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S11 SESW

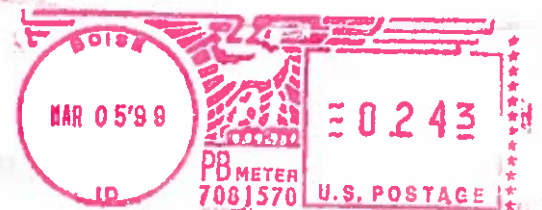
OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. K06000030040A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
ADDRESS SERVICE
MAR 10 1999
REQUESTED
Department of Water Resources



IMPORTANT WATER RIGHT INFORMATION

additional Director's Report for irrigation and all other state water rights in your area will be filed with the court at a later date.

IDWR is providing individual reports like this one to stock water rights in your area. A complete copy of the I small domestic and stock water rights claimed under both

RETURN TO
TO SENDER
UNDELIVERABLE
FORWARDING ADDRESS--
ON FILE

AUTO B3702



AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-1213

RIGHT NUMBER: 37-12305

NAME & ADDRESS: DANIEL R NELSON
PATRICIA J NELSON
731 WYNDEMERE
BOISE ID 83702

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/01/1970

POINT OF DIVERSION: T04N R17E S11 SESW Within BLAINE County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE

04-01 10-01

QUANTITY

0.04 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S11 SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. K06000030040A

Claim proofread by: WW

1103

D7-29-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

April 2, 1996

KARL J. DREHER
DIRECTOR

DANIEL R OR PATRICIA J NELSON
2320 N TOWERVIEW LN
BOISE ID 83702-6518

RECEIVED

APR 08 1996

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A37-12305
Change of Address

Department of Water Resources
Southern Region

Dear Claimant(s),

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim(s) or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Claimant

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

**In Re Snake River Basin Adjudication Case
No. 39576**

**) Notice of Filing Director's Report and Supplemental
) Director's Report Part II & III, United States' and Tribal
) Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

**THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH
THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT.
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PRO-
CEEDINGS ON THESE WATER RIGHT CLAIMS.**

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

60300
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

NEL5731 837022017 1893 04/18/95
FORWARDING TIME EXPIRED
NELSON TOWERVIEW LN
2320 N ID 83702-6518
RETURN TO SENDER

RECEIVED

APR 20 1995

Idaho Department of Water Resources

DANIEL R NELSON
PATRICIA J NELSON
731 WYNDEMERE
BOISE ID 83702

NOV 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1996

RECEIVED

MAY 01 1996

Department of Water Resources
Southern Region

DAVID SYFERD
8006 AVALON
MERCER ISLAND WA 98040

RE: Snake River Basin Adjudication (SRBA)
Blaine County - Notice of Claim #A37-12305

Dear Claimant:

We have been advised by the former owners of your property that you are the new owner of the property and water right. Before we can modify our records to reflect your new ownership, we need form 42-1409(7) completed and returned. I have enclosed this form for your use.

Please contact me at 208/327-7862 if you have any questions.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:region

Enclosure:

Form 42-1409(7)

cc: Daniel R. or Pat Nelson
2320 N Towerview Ln.
Boise, ID 83702-6518

NOV 27 1996

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: A37-12305
Date Received: 12/15/1988
Receipt No: C003968
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL R. NELSON 208-336-9806
Address: 731 WYNDEMERE
BOISE, ID 83702

AND

Name: PATRICIA J. NELSON 208-336-9806
Address: 731 WYNDEMERE
BOISE, ID 83702

2. Date of Priority: DEC 01, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	11	SE	SW			BLAINE

5. Description of diverting works:
WELL WITH 1/2 H.P. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	04/01	10/01	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ DOMESTIC LAWN SPRINKLERS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	11	SE SW		DOMEST	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U IS LOT 4 BLK. 3 OF WARM SPRINGS VILLAGE 3RD ADDITION.
***** NO PRIORITY DATE LISTED ON CLAIM 01/10/1900 IS DUMMY
SPACE HOLDING DATE UNTIL CLAIMANT RETURNS CLAIM WITH PRIORITY
COMPLETED OR WITHDRAWS THE CLAIM. ADM 1/25/89 *****
***** CLAIMANT RETURNED 1/25/89 LETTER INDICATING PRIORITY
WAS 12/01/1970. ADM 2/7/89 *****

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) ss.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN 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: A37-12305
Date Received: 1/25/1989
Receipt No: C003968
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL R. NELSON 208-336-9806
Address: 731 WYNDEMERE
BOISE, ID 83702

AND

Name: PATRICIA J. NELSON 208-336-9806
Address: 731 WYNDEMERE
BOISE, ID 83702

2. Date of Priority: JAN 01, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	11	SE	SW			BLAINE

5. Description of diverting works:
WELL WITH 1/2 H.P. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	04/01	10/01	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ DOMESTIC LAWN SPRINKLERS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	11	SE SW		DOMEST	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U IS LOT 4 BLK. 3 OF WARM SPRINGS VILLAGE 3RD ADDITION.
***** NO PRIORITY DATE LISTED ON CLAIM 01/10/1900 IS DUMMY
SPACE HOLDING DATE UNTIL CLAIMANT RETURNS CLAIM WITH PRIORITY
COMPLETED OR WITHDRAWS THE CLAIM. ADM 1/25/89 *****

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN 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 A37-12305

Date Received

Receipt Number C003968

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

RECEIVED

AUG 11 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) DANIEL R. & PATRICIA J. NELSON Phone (204) 336-9806Mailing Address 731 Wyndomere, Boise Idaho Zip 83702

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) GROUND WATER - PRIVATE WELL
which is tributary to (b) _____4. Location of point of diversion is: Township WARM SPRINGS VILLAGE TRUST ADDITION
4 NORTH Range 17 EASTSection 11, SE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot # 4, Block 3, B.M.,County of BLAINE

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ONE PRIVATE WELL, 1/2 horsepower
ELECTRIC PUMP, 3/4" LINE

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

For DOMESTIC purposes from April 1 to October 1 amount 0.04 cfs
(Both dates are inclusive) (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) Domestic Lawn sprinklers -

MICROFILMED

Copies: White State, 1993-Claimant
FEB 26 1993

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
4N	12E	11												D				

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
SUB DIV - Warm Springs Village, Third Addition or None (✓)

14. Remarks: _____

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) Amie E. DeBoa Date 8/9/88
Patricia J. Nelson Date 8/9/88

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 Ada) SS.

Subscribed and sworn (or affirmed) before me this 9th day of August 19 88

SEAL

Notary Public

Residing at

My Commission Expires

Last Name _____ Ident No. _____

MICROFILMED

COPIES WHITE - STATE YELLOW - CLAIMANT
FEB 26 1993

After lengthy negotiations with the U.S. Department of Justice, the Idaho Department of Water Resources (IDWR) has devised a special procedure for the adjudication of small domestic and stockwater rights (small D&S water rights) in the Snake River Basin Adjudication (SRBA). IDWR sought and obtained approval of the special procedure from the district court in the SRBA. The special procedure relieves owners of small D&S water rights from the requirement to file a notice of claim for such water rights in the SRBA at this time. The purpose of this brochure is to 1) describe the special procedure, 2) describe the water rights eligible for the special procedure, and 3) point out some concerns that the owner of a small D&S water right may want to consider before deciding whether or not to file a notice of claim to the water rights in the SRBA at this time. It is the recommendation of IDWR that the best and cheapest way to assure the security of your small D&S water right is to file a notice of claim at this time.

THE SPECIAL PROCEDURE FOR SMALL DOMESTIC AND STOCKWATER RIGHTS

A notice of claim may but is not required to be filed for small D&S water rights in the SRBA at this time. The fee for filing a notice of claim to a small D&S water right at this time is \$25.00. If a notice of claim is filed, the claim will be reviewed as part of IDWR's investigation of water rights, included in the Director's Report which contains recommendations as to water rights to be decreed, and included in the district court's decree of water rights, in accordance with the adjudication procedures set forth by statute in Title 42, chapter 14, of the Idaho Code.

A small D&S water right will not be forfeited if a notice of claim for the water right is not filed in the SRBA at this time. The owner of a small D&S water right may file a motion with the court to have the water right adjudicated when the need arises. "Adjudicated" means determined by the district court and included in the district court's decree of water rights. The procedure for adjudicating a small D&S water right at a later date is described in an order by the district court and is substantially similar to the supplemental adjudication procedure set forth at Idaho Code §42-1405. If a motion to have a small D&S water right adjudicated is filed at a later date, the claimant will be required to bear the cost of serving notice of the motion (which includes publication of notice of the motion three times in a local newspaper), and will be required to pay IDWR's cost of investigating and preparing a report of the water right claimed. These costs are likely to be more than \$25.00.

Small D&S water rights will not be subject to distribution by a watermaster in a water district unless all of the small D&S water rights have been adjudicated, or unless the director of IDWR determines that distribution of small D&S water rights by the watermaster is necessary. ("Not subject to distribution by a

-1-

watermaster" means that the watermaster will not shut off small D&S water rights to provide water for senior water rights, and will not shut off other water rights to provide water for a senior small D&S water right.) If the director determines that distribution of small D&S water rights in a water district is necessary, then the owner of a small D&S water right that has not been adjudicated will be required to have the water right adjudicated in order to have it distributed by the watermaster. Also, the owner of a small D&S water right that has not been adjudicated will be required to agree to have it adjudicated before the owner can seek approval of a change of the water right (such as a change in point of diversion, change in place of use, change in nature of use, etc.).

There are two limitations that will apply when the owner of a small D&S water right files a motion with the district court in the SRBA to have the water right adjudicated at a later date. First, the water right owner will only be allowed to claim a water right that is within the definition of small D&S use, as defined by the adjudication statute. (The definition of small D&S use is discussed further below.) Second, the extent of a small D&S water right is limited by actual beneficial use. There is no presumption that a small D&S use is entitled to the full 13,000 gallons per day that is permitted to be claimed as a small D&S water right.

All potential claimants of water rights in the SRBA will continue to be joined in the adjudication ("joined" means served with the Commencement Notice) and will be bound by any decrees entered in the adjudication. This includes owners of small D&S water rights, whether or not a notice of claim is filed for the small D&S water right at this time.

WATER RIGHTS CLAIMS ELIGIBLE FOR THE SPECIAL PROCEDURE: Definition of Small Domestic and Stockwater Use

The special procedure is available for water rights used solely for small domestic and stockwater uses, as those terms are defined by statute. Idaho Code §42-1401A(5) provides that domestic use includes the use of water for homes, organizations, camps, public campgrounds, livestock, and any other purpose in connection therewith, including irrigation of up to 4 acres of land. If the total use is not in excess of 13,000 gallons per day, that use is further provided that domestic use does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments. Rule 4.1.2. of the Adjudication Rules and Regulations adopted by IDWR provides that domestic use includes single-ownership, multiple-family domestic use, as long as the total amount of water diverted does not exceed 13,000 gallons per day. Idaho Code §42-1405(12) defines stockwater use as the use of water solely for livestock or wildlife where the total use does not exceed 13,000 gallons per day. Domestic use can include stockwater use so long as the total use does not exceed 13,000 gallons per day, or the

-2-

stockwater use can be claimed as a separate water right.

A typical domestic use is a well used for a single family residence, including up to 1/2 acre of lawn and garden. This type of use would qualify for the special procedure. But since water rights are almost infinite in their variety and since the definition is fairly complicated, further explanation of the definition of domestic use is provided below.

DOMESTIC USE - CAMPGROUND USE

Based on the statute and the rules, there are five prerequisites that must be met for a campground use to be eligible for the special procedure:

1. The total amount of water claimed to be diverted cannot exceed 13,000 gallons per day.
2. The total amount of land claimed to be irrigated cannot exceed 4 acres per claim, and must be in connection with the campground.
3. The use must be for a campground or organization camp. This is not limited to "park and camp" campgrounds, but also may include campgrounds with trailer hook-ups and/or cabins, or picnic/rest areas.
4. The campground must be in single-ownership, but can be multiple-family. Single ownership means that the entire campground for which a water right is claimed must be owned by the same person or group of people. Water for several vacation cabins, each of which is owned by a different person or group of people, does not qualify as one domestic water right; but each vacation cabin may qualify as a separate domestic water right.

(Note that "owned by a group of people" means that each member in the group is an owner of the entire facility. Individual ownership of individual parcels is not the same thing, even though all of them together can be said to own all of the parcels.)



In example 1, the parcel is in single-ownership, although owned by a group of people, because A, B, C, and D each own a partial interest in the entire property. In example 2, each parcel is owned by a different person, and each is in separate ownership, even if A, B, C, and D are in the same family, either by blood or marriage. In example 3, each lot is owned by a different person,

-3-

and each is in separate ownership, even if Corporation A is wholly owned by A, because a corporation is its own legal entity separate from the people that own the corporation's stock. In example 4, separately acquired or separately designated in county records, because they are owned by the same persons.)

5. The campground must not be a commercial or business establishment. In other words, a campground owned by a non-profit organization or public agency qualifies. A campground operated for profit or maintained by a for-profit business does not qualify. However, a campground that otherwise qualifies may claim water for an office used for the campground.

DOMESTIC USE - HOME USE

Again, there are five prerequisites for home use to qualify for the special procedure.

1. The total amount of water claimed to be diverted pursuant to the water right cannot exceed 13,000 gallons per day.
2. The total amount of land claimed to be irrigated cannot exceed 4 acres and must be in connection with the home. The 4 acre limitation is a per claim limitation, not a per residence limitation.

3. The use must be for a home, where people live, or a use in connection with a home. A suburban residence used solely for a day-care center is not a home, even though the building may look just like the homes around it.

4. The residence or residential facility must be in single ownership, but it may be multiple family. For example, domestic use may include two houses owned by the same person or group of people, if the use meets the other four requirements. (See item 4 under campground use for a discussion of "owned by the same person or group of people".)

5. The use cannot be for a commercial or business establishment. This is the element of the definition that usually causes the most confusion. Questions asked by many claimants include whether residential rental property is a commercial use, whether property used for farm related activities is a commercial use, whether water for a business operated out of the owner's home is a commercial use, etc. The focus is whether the use is primarily residential, even if it has some aspects that are arguably commercial. Some examples are provided below. The examples of domestic use below assume that the example meets the other four requirements for a domestic use.

a. Single family houses: A house used as a home by a single family is a domestic use, whether or not the house is a rental. A house used solely for a business (such as some day-care

-4-

centers and some offices) is a commercial use. If the house is used as a home, but the resident uses part of the house as a business (such as a beauty shop in the basement or a lawn mower repair shop in the garage), the use is domestic.

b. Multiple family buildings (duplexes, multiplexes, apartment buildings): A multiple family residence can be a domestic use if it meets the other four requirements, even if some or all of the units are rentals.

c. Non-profit boarding houses are domestic uses (because they are primarily residential), but boarding houses operated for profit are commercial uses (because they are primarily commercial), regardless of whether the owner resides there or not.

d. Mobile home parks and motels are commercial uses, regardless of whether the owner lives there or not.

e. "Farmstead" uses are domestic uses. For example, if the claimant uses water for a home, plus an outbuilding for tractor maintenance, plus another building for storing crops, etc.- the use is domestic so long as it meets the other four requirements.

"I DON'T HAVE TO FILE A NOTICE OF CLAIM, BUT I MAY. SO SHOULD I?" Some Considerations

1. The claimant of a small D&S water right must pay a \$25.00 fee to file a notice of claim to a water right in the SRBA at this time. If the owner of a small D&S water right files a motion to have the water right adjudicated later, the owner will be required to pay the cost of serving the motion and IDWR's cost of investigating and preparing a report of the water right claimed. It will almost certainly cost more to do it later than to do it now.

2. If the small D&S water user a) is having problems getting water pursuant to his water right, b) does expect to have such problems in the foreseeable future, or c) does expect to seek approval of a change of the water right in the foreseeable future, then adjudication of the water right at this time will be of greater benefit to the water user. If small D&S water user a) is not having problems getting water pursuant to his water right, b) does not expect to have such problems in the foreseeable future, and c) does not expect to seek approval of a change of the water right in the foreseeable future, then adjudication of the water right at this time will be of less immediate benefit to the water user.

3. If the small D&S water user has not filed any notices of claims in the SRBA, then the water user will not be on the list of claimants who will receive the notice of filing the Director's Report, which will include notice of the opportunity for and the deadline for filing objections to the recommendations to the district court in the Director's report. To make sure that the

-5-

small D&S water user does receive the notice of filing the Director's Report, the water user can either file the notice of claim (\$25.00) or get a subscription to the docket sheet (there is an annual subscription fee for the docket sheet, which is \$7.50 for calendar year 1989, and may go up slightly for subsequent years.)

4. If it is not clear whether the use is within the definition of small D&S use, then the water user may benefit from filing of the notice of claim at this time. If the water user does not file at the time of claim at this time, and it is later determined that the water user will be limited to a claim that is within the definition. The water user will still be able to claim that portion of the use, if any, that is within the definition of small D&S use.

THE BEST (AND CHEAPEST) WAY TO ASSURE THE SECURITY OF YOUR SMALL D&S WATER RIGHT IS TO FILE A NOTICE OF CLAIM AT THIS TIME.

-6-

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 A37-12305

Date Received

Receipt Number C003968

RECEIVED

AUG 11 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) DANIEL R. & PATRICIA J. NELSON Phone (204) 336-9806

Mailing Address 731 Wyndomere, Boise Idaho Zip 83702

2. Date of Priority (Only one (1) per claim) December 1, 1970

3. Source of water supply (a) GROUND WATER - PRIVATE WELL
which is tributary to (b)

4. Location of point of diversion is: Township when springs village - third addition
4 NORTH Range 17 EAST

Section 11, SE 1/4 of SW 1/4 of 1/4, Govt. Lot # 4, Block 3, B.M.,

County of BLAINE

Additional points of diversion if any:

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ONE PRIVATE WELL, 1/2 hp power
ELECTRIC PUMP, 3/4" LINE,

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

For DOMESTIC purposes from April 1 to October 1 amount 0.04 cfs (Both dates are inclusive) (cfs)

For purposes from to amount

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) Domestic Lawn sprinklers -

Copies: **MICROFILMED**

FEB 26 1993

WATER RIGHT NUMBER - A37-12305

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
NELSON

DANIEL R.

1 - 731 WYNDEMERE

2 -

3 -

CITY- BOISE

STATE- ID ZIP- 83702

PHONE - 208-336-9806

1 - 731 WYNDEMERE

2 -

3 -

CITY- BOISE

STATE- ID ZIP- 83702

PHONE - 208-336-9806

NELSON

PATRICIA J.

+ - - PRIORITY DATE - - +
12/01/1970

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

04N 17E 11 SE SW (13) BLAINE

+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

04/01

10/01

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

+ - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

04N

17E

11

SE SW

43

DOMESTIC

(13) BLAINE

+ - - DIVERSION MEANS - WELL WITH 1/2 H.P. PUMP

+ - - NON-IRRIGATION USE - D/ DOMESTIC LAWN SPRINKLERS

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +

P/U IS LOT 4 BLK. 3 OF WARM SPRINGS VILLAGE 3RD ADDITION.
***** NO PRIORITY DATE LISTED ON CLAIM 01/10/1900 IS DUMMY
SPACE HOLDING DATE UNTIL CLAIMANT RETURNS CLAIM WITH PRIORITY
COMPLETED OR WITHDRAWS THE CLAIM. ADM 1/25/89 *****
***** CLAIMANT RETURNED 1/25/89 LETTER INDICATING PRIORITY
WAS 12/01/1970. ADM 2/7/89 *****

207 Aspen Dr

MICROFILMED
OCT 26 1994

WATER RIGHT NUMBER - A37-12305

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 01/25/89 MERRITT 02/07/89 MERRITT 10/03/89 REFUNDML

+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 12/15/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- C003968	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND	NOTICE OF ERROR FLAG	-

K06000030040 A

DATA ENTRY

ENTERED 1-9-94

CHECKED 6-4-94

"Verified By"
Topo Map Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Proof Records
IDWR Records

VERIFIED
FEB 29 1992

PROOF
JAN 06 1992

CERTIFIED
MAR 27 1992
WATER EXAMINER