

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: A63-30968
Date Received: 8/10/1998
Receipt No: W024256
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: KENNETH L PURSLEY
Address: 6330 PIERCE PARK LN
BOISE ID

208-853-3310

83703

2. Date of Priority: JAN 1, 1950

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	18		NE	SW		ADA

5. Description of diverting works:

200' WELL, 6" CASING, 1.5 HP SUBMERSIBLE PUMP, PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.010		

7. Total Quantity Appropriated is:

0.090 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, 2 HOMES; STOCKWATER, 12 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	18	NE	SW		DOMEST	
			NE	SW		STOCK	

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:

VERY OLD WELL WHICH PREDATES 1951 GROUNDWATER ACT. THIS WELL WAS
RECASED IN APPROXIMATELY 1980. WELL DRILLER'S REPORTS OR LOGS
ARE UNAVAILABLE.

15. Basis of Claim: BENEFICIAL USE

RECEIVED

AUG 10 1998

WATER RESOURCES
WESTERN REGIONIN 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 A63-30968Date Received 8/10/98Receipt Number W024256 12:06pm KJ

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) Kenneth L. Pursley Phone (208) 853-3310Mailing Address 6330 Pierce Park Lane, Boise, Idaho Zip 837032. Date of Priority (Only one (1) per claim) January 1, 19503. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____4. Location of point of diversion is: Township 4N Range 2 ESection 18, NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M.,County of Ada

Additional points of diversion if any: _____

5. Description of existing diversion works (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 200' depth, 6" casing and 1.5 hp submersible pump to pipelines serving 2 homes and stockwatering tanks for 12 horses.

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

Month/Day Month/Day (cfs)

For Domestic purposes from Jan. 1 to Dec. 31 amount 0.08For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.017. Total quantity claimed (a) 0.09 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and number of livestock) Two households, each with up to 1/2 acre of irrigation, stockwater supply for 12 horses.

10. Place of use is: Township: 4N Range 2E

Section 18, NE 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., (See attached legal)

(Circle one) Domestic Stock

Domestic and Stock

Additional places of use, if any _____

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.

(X) None or _____

14. Remarks: Very old well which predates 1951 groundwater act. This well was recased in approximately 1980. Well driller's reports or logs are unavailable.

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

Decree _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Hermett Z. Purdy

Date 8/8/98

Date _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho)
) ss.
County of Ada)

Subscribed and sworn (or affirmed) before me this 7th day of August, 19 98

SEAL

Notary Public Sandra C. Huntington

Residing at Boise

My Commission Expires 6/4/99

Last Name Pursley, K.L. Ident. Number _____

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W024256	25.00	63	30968		Claim

09/22/2004

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

RIGHT NUMBER: 63-30968

NAME AND ADDRESS: KENNETH L PURSLEY
6330 PIERCE PARK LN
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION:

T04N R02E S18 NESW Within ADA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.080 CFS

STOCKWATER

01/01 12/31

0.010 CFS

Domestic use is for 2 homes.

PLACE OF USE:

DOMESTIC Within ADA County

T04N R02E S18 NESW

STOCKWATER Within ADA County

T04N R02E S18 NESW

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

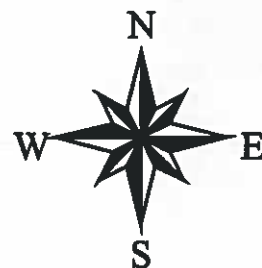
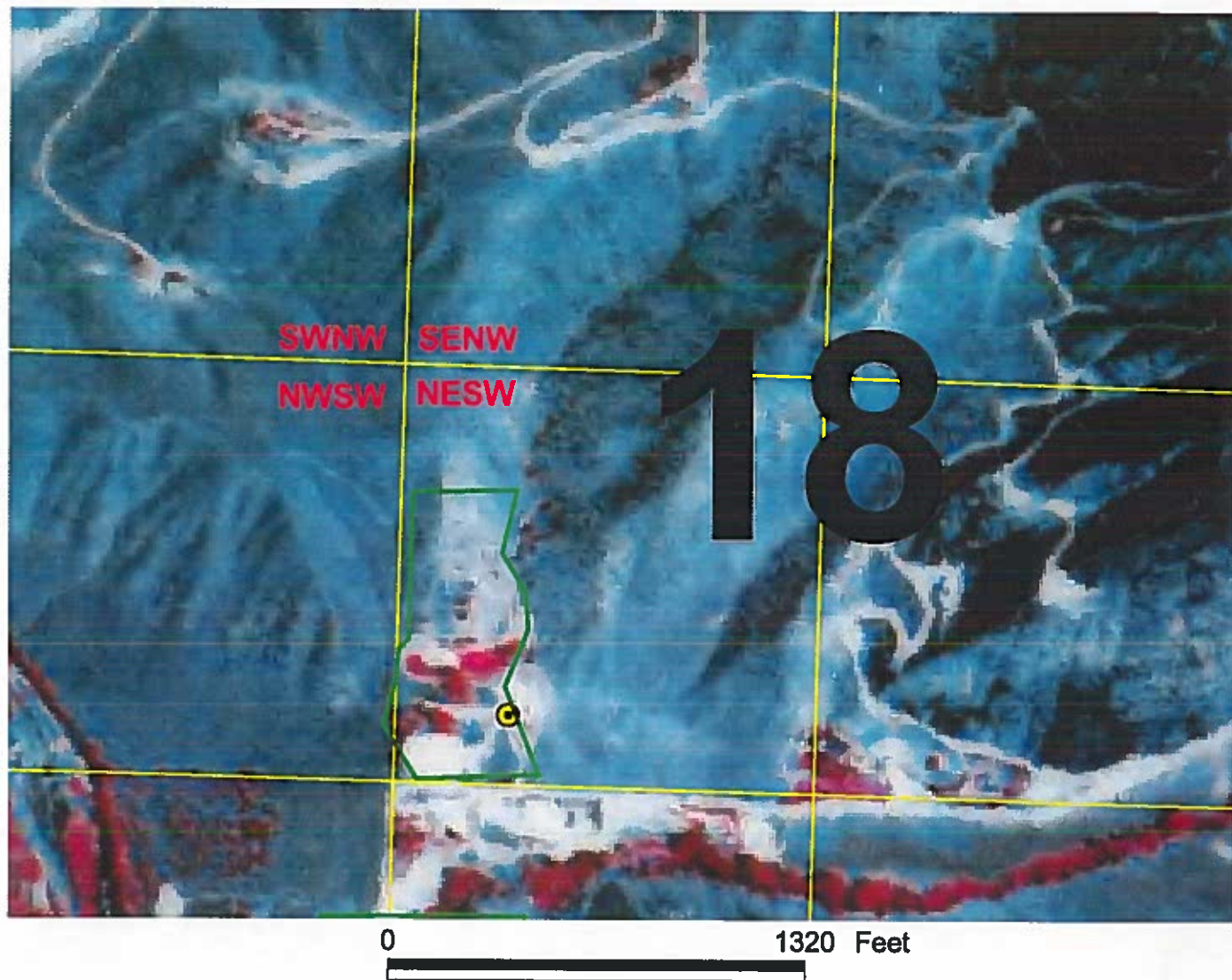
PARCEL NOS. S0618314978 AND S0618315102.

Stockwater use is for 12 horses.



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

**T3N R1E SECTION 18
Water Right(s) : 63-30968**



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

**GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: September 2004**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30968 V1

WATER RIGHT NUMBER: 63-30968 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH L PURSLEY 6330 PIERCE PARK LN BOISE, ID 83703 (208)853-3310

Priority Date: 01/01/1950
Basis: Beneficial Use
Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.080 CFS	
STOCKWATER	01/01 to 12/31	0.010 CFS	
<u>Total Diversion:</u>		0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 18, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	18									X								

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	18									X								

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. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30968 V1

3. X01 Domestic use is for 2 homes.
4. X02 Stockwater use is for 10 horses.

Remarks:

1. Explanatory PARCEL NOS S0618314978 AND S0618315102.

Comments: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:
 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>
Contacts	9/22/2004 10:05:18 AM	vmusic			Active
Priority Date	9/22/2004 10:06:40 AM	vmusic			Active
POD	9/22/2004 10:23:42 AM	vmusic			Active
Source	9/22/2004 10:25:41 AM	vmusic			Active
POU	9/22/2004 10:26:04 AM	vmusic			Active
Use	9/22/2004 10:29:30 AM	vmusic			Active
Season	9/22/2004 10:30:33 AM	vmusic			Active
Quantity	9/22/2004 10:31:50 AM	vmusic			Active
Summary			09/22/2004	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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DAMD DEPARTMENT OF WATER RESOURCES

Allocation Recommendation Report 63-30968 V1

POD	9/22/2004 10:23:41 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?
POU	9/22/2004 10:23:42 AM	vmusic	Edited shape boundary
POD	9/22/2004 10:23:41 AM	vmusic	Edited point location
POU	9/22/2004 10:23:40 AM	vmusic	Edited shape boundary
Summary	9/22/2004 10:40:07 AM	vmusic	(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? (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?
Contacts	9/22/2004 10:05:16 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
Priority Date	9/22/2004 10:05:16 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? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - STATEMENT FROM CLAIMANT, 1939 AERIAL PHOTO THAT SHOWS ROADS, STRUCTURES ON THE PROPERTY.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30968 V1

Use	9/22/2004 10:21:33 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? (Yes) 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 - STATEMENT FROM CLAIMANT AND ADA CO ASSESSOR INFORMATION.
Source	9/22/2004 10:21:41 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? (No) 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 - STATEMENT FROM CLAIMANT.
POU	9/22/2004 10:21:51 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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIAL PHOTOS, ADA CO. ASSESSOR PARCEL INFO AND STATEMENT FROM CLAIMANT.
Season	9/22/2004 10:21:33 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 administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30968 V1

Quantity	9/22/2004 10:31:49 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?
			(No) 7. Is a flow measurement required?
			(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?
			(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?
			(Yes) 12. Is a Quantity remark or condition required?
			Description for Question 7 - DE MINIMUS D & S CLAIM.



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Residential

Land

Residential Characteristics 1 for Parcel "S0618315102"

Occupancy Date:	No Date Available
Year Built:	1920
Year Remodel:	0
Effective Age:	0
Construction Class:	3
Number of Bedrooms:	2
Number Bathrooms:	0.75
Number of Fireplaces:	0
Air Conditioning:	N
Car Storage Sq Ft #1:	489
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	168
Patio Covered:	Y
Pool Sq Ft:	0
Total Sq Ft:	1344
Main Floor Sq Ft:	896
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	448
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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Residential

Land

Land Characteristics 1 for Parcel "S0618315102"

Residential Acres:	0.669
Commercial Acres:	0.000
Other Acres:	0.000
MLS Area:	800 NW Boise- Garden City
Street:	Not Available
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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Residential

Land

Residential Characteristics 1 for Parcel "S0618314978"

Occupancy Date:	No Date Available
Year Built:	1965
Year Remodel:	1980
Effective Age:	1975
Construction Class:	4
Number of Bedrooms:	3
Number Bathrooms:	3.75
Number of Fireplaces:	2
Air Conditioning:	Y
Car Storage Sq Ft #1:	504
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	140
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	3908
Main Floor Sq Ft:	3212
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	208
Unfinished Basement Floor Sq Ft:	488
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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Desktop review/vlm

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- NA - ☒ 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 completeClaim No(s) 63-30969

Owner: _____ Phone No. _____

Current Address: _____

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

Accompanied by: _____

PRIORITY DATE

- ☒ 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: _____

(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
☐ POD found is different than claimed: _____
☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

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**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:

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ 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:☒ No Change☐ Changes shown below:water rt. & 1 parcel owned by Kenneth, larger parcel owned by Marsha...

Place of Use			NE				NW				SW				SE				Totals
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:

Delivery System Narrative: see letter from claimant and claim.

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

RIE Parcel # 50619314919 + 50619315102

NO1 Domestic use is for 2 homes

NO2 Stockwater use is for 12 horses

NID not a determination of hrs. b/u

Ada Co. PROGRESSOR ~~say~~ website ~~page~~ info
states old house built in 1920, Marshall's house
built in 1965. Should there be 2 views? I don't
know how accurate the ~~page~~ date is...

AFTER EXAM THE FILE SHOULD CONTAIN:

- NA C
- ☒ 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: _____

9-22-04

FIELD EXAMINER: _____

Wiley Marshall

Enter Claim Number

References

Information Search (WRA/J)

Basin	Seque...	Source Table	Basin	Status	Priority Date	Di...	Source List	Water Use List	Owner List	Applic...
63	2576	WAdjudication...	License	Active	1938-03-25	1.90	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	2605	WAdjudication...	License	Active	1943-07-02	0.90	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	2874	WAdjudication...	License	Active	1951-08-18	4.00	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	2954	WAdjudication...	License	Active	1953-08-27	0.90	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	2956	WAdjudication...	License	Active	1953-08-27	0.56	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	2989	WAdjudication...	License	Active	1954-06-02	1.00	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	3164	WAdjudication...	License	Active	1959-08-05	1.73	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	7067	WAdjudication...	License	Active	1968-02-28	2.84	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	7577	WAdjudication...	License	Active	1972-04-06	2.01	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	7998	WAdjudication...	License	Active	1974-06-25	1.27	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	19456	WAdjudication...	Beneficial	Active	1953-03-31	1.60	GROUND WA...	MUNICIPAL	UNITED WATER IDAHO INC (...)	
63	30968	WAdjudication...	Beneficial	Active	1950-01-01	0.09	GROUND WA...	DOMESTIC, STOC...		
63	2313	WWaterRight	License	Active	1918-02-13	0.20	SPRING	DOMESTIC, IRRIG...		
63	11487	WWaterPermit	License	Active	1990-10-08	4.50	GROUND WA...	COMMERCIAL, DO...		

The number of records is 14

View Documents Print Proof Report Print Transfer Part 2

Hand desc search

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Franklin G. Lee

David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LLM
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LLM
Conley E. Ward
Robert B. White
Michael V. Woodhouse

James A. McClure
OF COUNSEL

Raymond D. Givens
RETIRED

RECEIVED
SEP 21 2004
WATER RESOURCES
WESTERN REGION

September 21, 2004

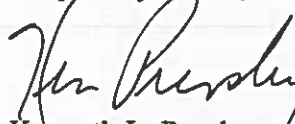
Vicky L. Music
Water Resource Agent
Adjudication Bureau
Dept of Water Resources
State of Idaho
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Dear Ms. Music:

This letter is in response to yours of September 2, 2004, regarding Claim No A63-30968. Enclosed is a map showing the location of the well and house, irrigation area (approx 1 acre), and stock watering serviced by this well. My former wife and I bought the place in 1980, and have used the water from that well for those purposes ever since. We have had from 3 to 12 horses on the property continuously since then. Prior to that, the property had been owned by Dave Grant (now deceased), who constructed the improvements and used the property for raising and training mules, up to 12 at a time. We were informed, when we bought the place, that he had built this house some 30 years earlier. Prior to the construction of the house, that party had lived in the original house on the property (identified on the enclosed map), which also received its water for domestic and irrigation purposes from this well. That house dates to approximately 1916 as evidenced by an easement agreement recorded April 3, 1916, and which provided driveway access to this house. I am enclosing a copy of that easement agreement.

The house is currently owned solely by my former wife, Marcia Pursley. I hope this is adequate proof of the claim, but I would be happy to answer any further questions you may have.

Very Truly Yours,


Kenneth L. Pursley

KLP/tah
Enclosures

Cc (w/o encl.): Marcia Pursley

James A. Whitmore and wife,

and

Instrument Number 63742.

Dr. John E. Proom and wife,

THIS AGREEMENT entered into this Third day of April 1916, by and between James A. Whitmore and Mary E. Whitmore and Mary E. Whitmore, his wife, of Ada County in the State of Idaho, the parties of the first part and Dr. John E. Proom and Mrs. J.E. Proom, his wife, of Boise in the County of Ada in the State of Idaho, the parties of the second part.

WITNESSETH that whereas the parties of the first part are the owners of Government Lot 3 in Section 18 in Township 4 North, of Range 2 East of the Boise Meridian in the County of Ada in the State of Idaho, and the said parties of the second part are the owners of the North East Quarter of the South East Quarter of said Section Eleteen; and

WHEREAS it will be for the mutual benefit of all of the parties to this Agreement that a roadway to be used jointly by all of said parties be constructed on the following land of the said parties of the first part, to-wit:-

Commencing at the South East corner of said Lot 3, running thence North along the East line of said Lot 600 Feet, thence East 24 feet, thence North 500 feet and thence East 24 feet to the place of beginning;

NOW THEREFORE it is mutually agreed as follows:-

The said parties of the first part, in consideration of the promises and of the covenants and agreements to be performed on the part of the said parties of the second part, as hereinafter provided and in consideration of the sum of \$1.00 to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby give and grant unto the said parties of the second part and to their heirs and assigns a license to use the said strip of ground for road purposes, jointly with the said parties of the first part hereafter and their heirs and assigns, and the said license shall be irrevocable and in all respects the same as if the said land was owned jointly by the parties hereto for road purposes, except as hereafter provided.

The said parties of the second part, for themselves, their heirs and assigns, in consideration of the promises and of the covenants and agreements to be performed on the part of the said parties of the first part, as hereinafter provided, and of the said license, do agree to plant shade trees on each side of said roadway and grade the same and keep it in repair and water and care for said trees and in case the said parties of the first part shall at any time want a fence on the West side of said road and a gate at each end of said roadway and shall serve a notice in writing to that effect on the said parties of the second part, the said parties of the second part will within 90 days from the receipt of said notice have the said fence and gates erected on said premises at the expense of the said parties of the second part.

Said parties of the second part agree to pay all expenses incident to this transaction.

In case of a breach of any of the covenants and agreements to be performed on the part of the said parties of the second part or their heirs or assigns, said parties of the first part, their heirs or assigns may serve written notice of the said parties of the second part that the said license will be revoked if such breach continues for a period of 90 days after the service of said notice and this license shall be null and void and of no effect if said breach continues for said period of 90 days after the service

"roadway to be used jointly"

ADA COUNTY, IDAHO

3 177

CONTRACTS BOOK

of said notice.

IN WITNESS WHEREOF the parties of the first and second parts have executed this agreement in duplicate the day and year first above written.

Jan. A. Whitmore seal

Mary E. Whitmore seal

John E. Pross seal

Mrs. J.E. Pross seal

STATE OF IDAHO, :
County of Ada. : ss.

On this Third day of April 1916 before me, Charles B. Cox, a Notary Public in and for said County in the State aforesaid personally appeared James A. Whitmore and Mary E. Whitmore his wife and John E. Pross and Mrs J.E. Pross, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Charles B. Cox.

Notary Public.

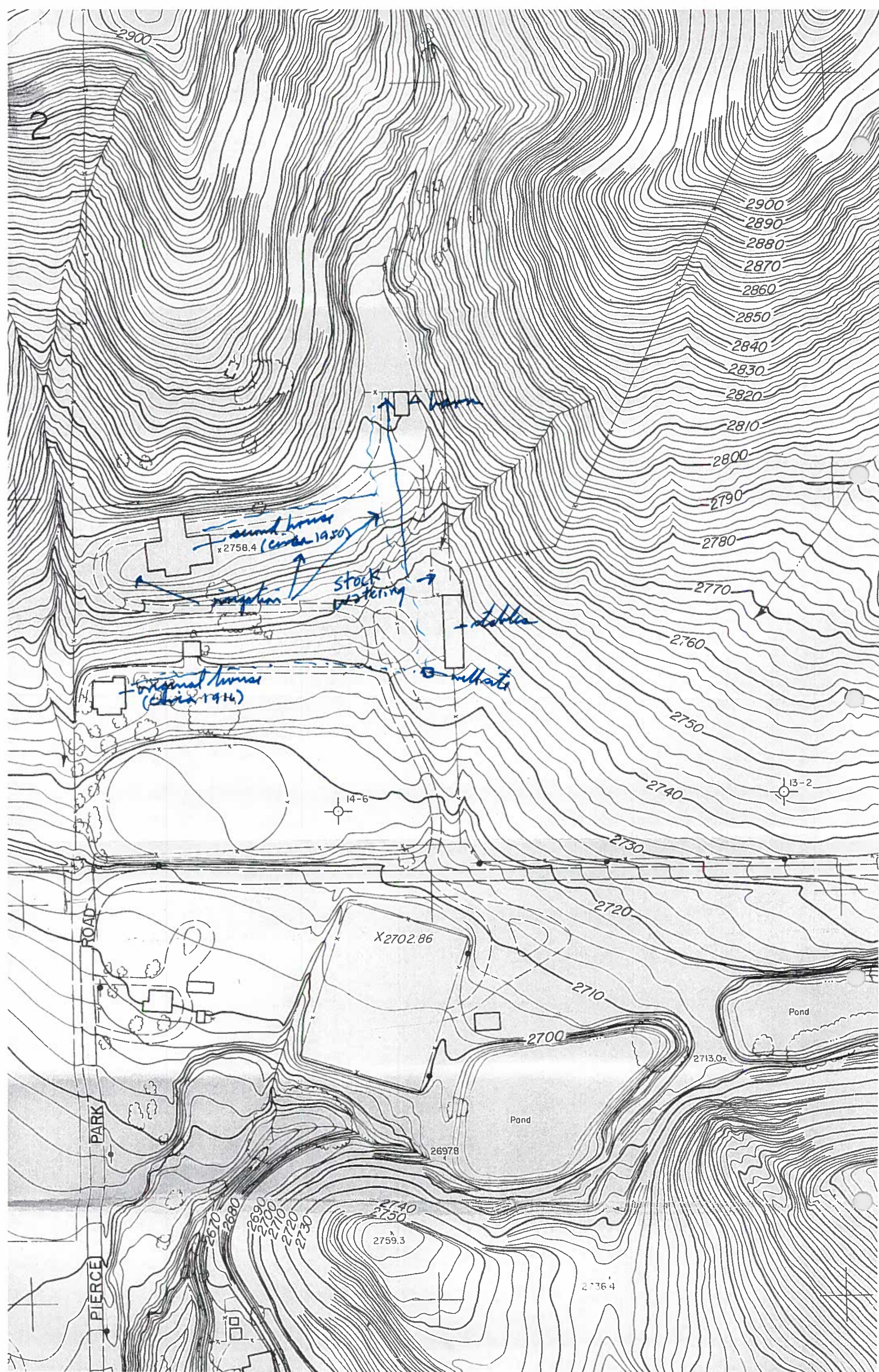
{ S S A L }

Recorded at the request of C. B. Cox at 4:40 o'clock P. M. on the 7th day of April, 1916.

Fees \$2.00

Stephen M. Mott
Recorder.

CONFIRMED





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 2, 2004

KENNETH L PURSLEY
6330 PIERCE PARK LANE
BOISE, ID 83703

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-30968

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 print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim 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. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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

If no evidence of your 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 September 24, 2004. Additionally, the claim submitted was incomplete, with no map or number of acres in the place of use provided. Please enclose a map with the place of use, number of acres and point of diversion of this right located on the map and return it to me with your evidence of priority.

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

KENNETH L PURSLEY
September 2, 2004
CLAIM NO. A63-30968
Page 2

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

cc: Michael Creamer, Givens Pursley (w/enclosures)

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim Report A63-30968

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-30968

WATER RIGHT NUMBER: 63-30968

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH L PURSLEY

Priority Date: 01/01/1950
 Basis: Beneficial Use
 Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.080 CFS	
STOCKWATER	1/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 18, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

DOMESTIC Within ADA County

T04N R02E S18 NESW

STOCKWATER Within ADA County

T04N R02E S18 NESW

Conditions of Approval:

Remarks:

- | | |
|---------------|---|
| 1. General | VERY OLD WELL WHICH PREDATES 1951 GROUNDWATER ACT. THIS WELL WAS RECASED IN APPROXIMATELY 1980. WELL DRILLER'S REPORTS OR LOGS ARE UNAVAILABLE. |
|---------------|---|

Comments:

GIVENS PURSLEY LLP

RECEIVED

AUG 10 1998

**WATER RESOURCES
WESTERN REGION**

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701

TELEPHONE: 208 388-1200

FACSIMILE: 208 388-1201

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
Karl T. Klein
David R. Lombardi

Kimberly D. Meloney
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Ramona S. Neal
Aaron H. Nemec
W. Hugh O'Riordan

Kenneth L. Pursley
Gregory J. Vietz
Conley Ward
Steven R. Weeks
Stephanie C. Westermeyer

Raymond D. Givens
James A. McClure
OF COUNSEL

August 7, 1998

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: Notice of Claim to a Water Right
Claimant: Kenneth L. Pursley
Our File: 1999-6

Dear Sir/Madam:

Enclosed for filing in the Snake River Basin Adjudication is an original and one (1) copy (for conforming and returning to me) of a Notice of Claim to a Water Right Acquired Under State Law for Domestic and/or Stockwater Purposes, along with the appropriate filing fee of \$25.00. Once entered into the Court's records, please provide me with a Proofreading Report regarding this Claim.

Thank you for your assistance in this matter.

Sincerely,



Michael C. Creamer

MCC:dr

Enclosures

S:\Clients\1999\6\Letter to IDWR Enclosing Notice of Claim to H2O Right.wpd

cc: Kenneth L. Pursley (w/encl.)