

AJ5856NP

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

DATE: SEP-19-1997

PAGE: A-261

RIGHT NUMBER: 37-12813

NAME & ADDRESS: ROSEMARIE BOGNER
PO BOX 1285
KETCHUM ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

PRIORITY DATE: 06/30/1975

POINT OF DIVERSION: T04N R17E S21 NWSNW Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 0/1 (SEE REMARKS)	01-01 12-31	0.06 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S21 SWNW

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

SERVES ONE (1) MAIN RESIDENCE, 5 CABINS AND A GUEST HOUSE. THE CABINS ARE PRIMARILY BEDROOMS AND BATHROOMS, WITH NO LIVING QUARTERS OR KITCHENS. ALL FACILITIES USED BY A SINGLE FAMILY AND ARE IN SINGLE OWNERSHIP.

***** MEMO TO FILE *****
THIS CLAIM WAS RETURNED TO THE CLAIMANT. THE CLAIMANT RESUBMITTED THE CLAIM WITH THE NOTATION "ALL FACILITIES USED BY A SINGLE FAMILY AND ARE IN SINGLE OWNERSHIP."

CLF 2-2-89

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

n11
n13

Location on
Blaine City map
pg # 1800
VH 2/8/99

Verified by _____ Date: _____

Verification Source: _____

CA

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: A37-12813
Date Received: 2/01/1989
Receipt No: 0005383
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSEMARIE BOGNER
Address: P.O. BOX 1285
KETCHUM, ID 83340
208-726-8088

2. Date of Priority: JUN 30, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	17E	21	NW	SW	NW		BLAINE

5. Description of diverting works:
WELL, APPROX. 40' DEEP, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 (SEE REMARKS)

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	17E	21	SW	NW		DOMEST	

11. Place of use in counties: BLAINE

A37-12813

Page 1

Date: 02/02/89

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FEB 26 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

SERVES ONE (1) MAIN RESIDENCE, 5 CABINS AND A GUEST HOUSE. THE CABINS ARE PRIMARILY BEDROOMS AND BATHROOMS, WITH NO LIVING QUARTERS OR KITCHENS. ALL FACILITIES USED BY A SINGLE FAMILY AND ARE IN SINGLE OWNERSHIP.

***** MEMO TO FILE *****
THIS CLAIM WAS RETURNED TO THE CLAIMANT. THE CLAIMANT RESUBMITTED THE CLAIM WITH THE NOTATION "ALL FACILITIES USED BY A SINGLE FAMILY AND ARE IN SINGLE OWNERSHIP."

CLF 2-2-89

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 A37-12813
Date Received 2-1-89 CA
Receipt Number C005383

RECEIVED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

OCT 12 1988

Department of Water Resources
Southern Region Office

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

1. Name of Claimant(s): Rosmarie Bogner
Phone: (208) 726-8088
Mailing Address: P.O. Box 1285
Ketchum, ID 83340
2. Date of Priority: June 30, 1975
3. Source of water supply: (a) Groundwater
which is tributary to: (b)
4. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 1/4 1/4</u>	<u>Lot</u>	<u>County</u>
4N	17E	21	NW SW NW		Blaine

Additional points of diversion if any: None.

5. Description of diversion works: Well & pump, approx. 40 ft. deep.
6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Domestic	January 1	December 1	0.06 cfs

7. Total Quantity Claimed: 0.06 cfs

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8. Total consumptive use claimed is de minimus

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>
4N	17E	21	SW	NW	D

11. Place of use is located in Blaine County.

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

13. Describe other water rights used? None.

14. Remarks: Serves one (1) main residence, 5 cabins and a guest house. The cabins are primarily bedrooms and bathrooms, with no living quarters or kitchens. *ALL FACILITIES USED BY A SINGLE FAMILY AND ARE IN SINGLE OWNERSHIP.*

15. Basis of Claim: Beneficial use.

IDWR Water Right Number: N/A

Court: Case Number:

Decree Date:

Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Karen Marie Bogner

Date Oct 14 88

Date _____

State of Idaho)

County of Blaine) ss.

Subscribed and sworn before me this 14th day of October, 1988.

Notary Public Ruby Marie Becker

Residing at Sun Valley, ID

Commission Expires 1/17/93

Last Name: Bogner
a:\bogner1.clm

Ident No.:

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FEB 26 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

January 30, 1989

Mr. Donald V. Shaff
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

RECEIVED
FEB 01 1989

Department of Water Resources

RE: Snake River Basin Adjudication
Rosmarie Bogner

Dear Don:

Thank you for your letter of January 20, 1989. I discussed the one claim with Lynne Krogh Hampe. The main residence, cabins and guest house which are all served by the one well are all used and occupied by a single family and are in single ownership. I have made a notation on the Claim to this effect and would like a copy of this letter to go into the file with the Claim. On this basis, I believe the Claim rightfully falls in the single family domestic purposes category as defined by Section 2.15 of the Appropriation Rules and Regulations.

Please call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/rlk
encl.

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FEB 26 1993

FROM

Lynne K. H.

DATE

1/31/89

TO

File

A37-12813

SUBJECT

Spoke to Jim Speck today re the Dwyer claim. Explained that the claim was being returned because there was an issue as to whether the use came within the single-family exception to the mandatory permit statute for groundwater, and that purpose of returning claim was to give claimant option whether to file adjudication claim and/or application for permit. He said he considered it a single family use. I said there was definitely room to argue the point, and if he wanted it ~~drawn~~ filed, to send it back in, ~~that was our goal~~ I suggested that he might want to make it clear on the claim or in a cover letter that they were asserting a single family domestic use. I also said that whether or not is ~~usually~~ was a single family domestic use would be determined in the later stages of the adjudication.

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FEB 26 1993

SIGNATURE

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

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TERRY G. HOGUE
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HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

January 30, 1989

Mr. Donald V. Shaff
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

FEB 11 1989

Department of Water Resources

RE: Snake River Basin Adjudication
Rosmarie Bogner

Dear Don:

Thank you for your letter of January 20, 1989. I discussed the one claim with Lynne Krogh Hampe. The main residence, cabins and guest house which are all served by the one well are all used and occupied by a single family and are in single ownership. I have made a notation on the Claim to this effect and would like a copy of this letter to go into the file with the Claim. On this basis, I believe the Claim rightfully falls in the single family domestic purposes category as defined by Section 2.15 of the Appropriation Rules and Regulations.

Please call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

James P. Speck
James P. Speck

JPS/rlk
encl.

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FEB 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 20, 1989

Mr. James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

RE: Snake River Basin Adjudication
Rosmarie Bogner

Dear Jim:

We are returning your Notice of Claim to a Water Right filed for your client's property in Blaine County and your check #8621 in the amount of \$50.00. We have noted some problems with one of the claims which we would like you to correct.

The claim for the caretaker's residence as submitted is acceptable. Please return it along with a check for \$25.00 prior to February 20, 1989.

The problem lies with the claim for the guest cabins. You are given the opportunity to withdraw this claim. Any water right developed from a groundwater source after 1963, for any use other than single family domestic use, is required to have an application for permit filed. We can find no record of a permit for this property. The claim you have presented conflicts with the Ground Water Statute at §42-229 and §42-230(e), Idaho Code, and Water Appropriation Rules and Regulations, paragraph 2,15.

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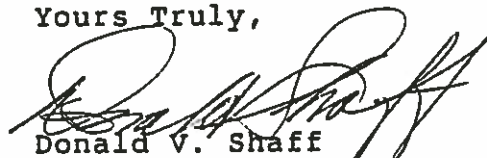
FEB 28 1993

Mr. James P. Speck
Page 2
January 20, 1989

I have enclosed an application for permit, with instructions for your use in this matter. If you will return the completed forms to the Department of Water Resources - Southern Region Office, 2148 Fourth Avenue East, Twin Falls, ID 83301, we will be happy to proceed.

If you have any further questions or require further help, please do not hesitate to contact this office.

Yours Truly,



Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Short Form, Computer Generated (2)

Check #8621, \$50.00

Application for Permit w/Instructions

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FEB 26 1993

CERTIFIED MAIL

HOGUE, SPECK & AANESTAD

POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
TELECOPIER (208) 726-0752

RECEIVED

OCT 17 1988

Department of Water Resources
Southern Region Office

TO Idaho Dept. of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301
Attn: Jim Stanton

DATE October 14, 1988

SUBJECT Snake River Basin
Adjudication

Dear Jim:

Enclosed please find two Notices To A Claim To A Water
Right and \$50.00 in filing fees for Rosmarie Bogner.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/rlk
encl

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FEB 26 1993

A37-12812-73

SD-33	LAST NAME: BOGNER					STATE	
S	FIRST	O	WATER	PRIORITY		TOTAL	USE
E	NAME	N	RIGHT NO.	DATE	SOURCE	DIVERSION	CODE DESC
L							
---	BOGNER						
---	CLETA	C	A85-07419	06/21/1984	SPRINGS	0.040	04 STOCK
---	FRANK	C	A85-07418	06/21/1984	SPRINGS	0.050	04 STOCK
---	CLETA	C	A85-07418	06/21/1984	SPRINGS	0.050	04 STOCK
---	FRANK	C	A85-07419	06/21/1984	SPRINGS	0.040	04 STOCK
---	FRANK	C	A85-10999	06/01/1955	SPRINGS	0.040	04 STOCK
---							43 DOMEST
---	CLETA	C	A85-10999	06/01/1955	SPRINGS	0.040	04 STOCK
---							43 DOMEST
---	FRANK	C	A85-11002	06/01/1960	SPRING	0.020	04 STOCK
---	FRANK	C	A85-11003	06/01/1953	SPRINGS	0.020	04 STOCK
---	CLETA	C	A85-11003	06/01/1953	SPRINGS	0.020	04 STOCK
---	ROSEMARIE	C	A37-12812	08/31/1982	GROUNDWATER	0.040	43 DOMEST
---	ROSEMARIE	C	A37-12813	06/30/1975	GROUNDWATER	0.060	43 DOMEST

(ENTER=CONTINUE)

(GOLD 7=THIS QUERY)

(MENU _____)

A37-12812 } - rec'd 2/2/89 C005383
A37-12813 }

12-27-90

~~Seems to fall under the definition~~ - no additional
paid as far as I can find. File with
Permanent records

Danni Smith

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FEB 26 1993