

09/13/2006

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

RIGHT NUMBER: 67-4017

NAME AND ADDRESS: JEANINE A DUVAL
1398 COOPER RD
WEISER ID 83672

JOHN B DUVAL
1398 COOPER RD
WEISER ID 83672

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.560 CFS

PRIORITY DATE: 10/21/1953

POINT OF DIVERSION:

T10N R05W S5 NENENE Lot 1 Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.560 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S05 Lot 1 NENE 28.00

28 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



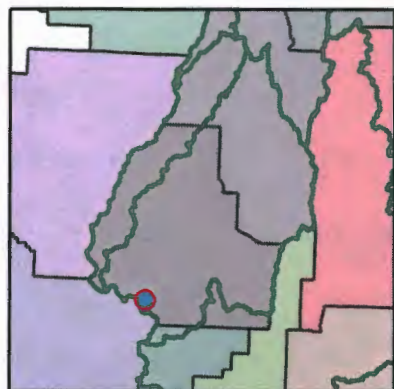
Idaho Department of Water Resources

SRBA Recommendation:

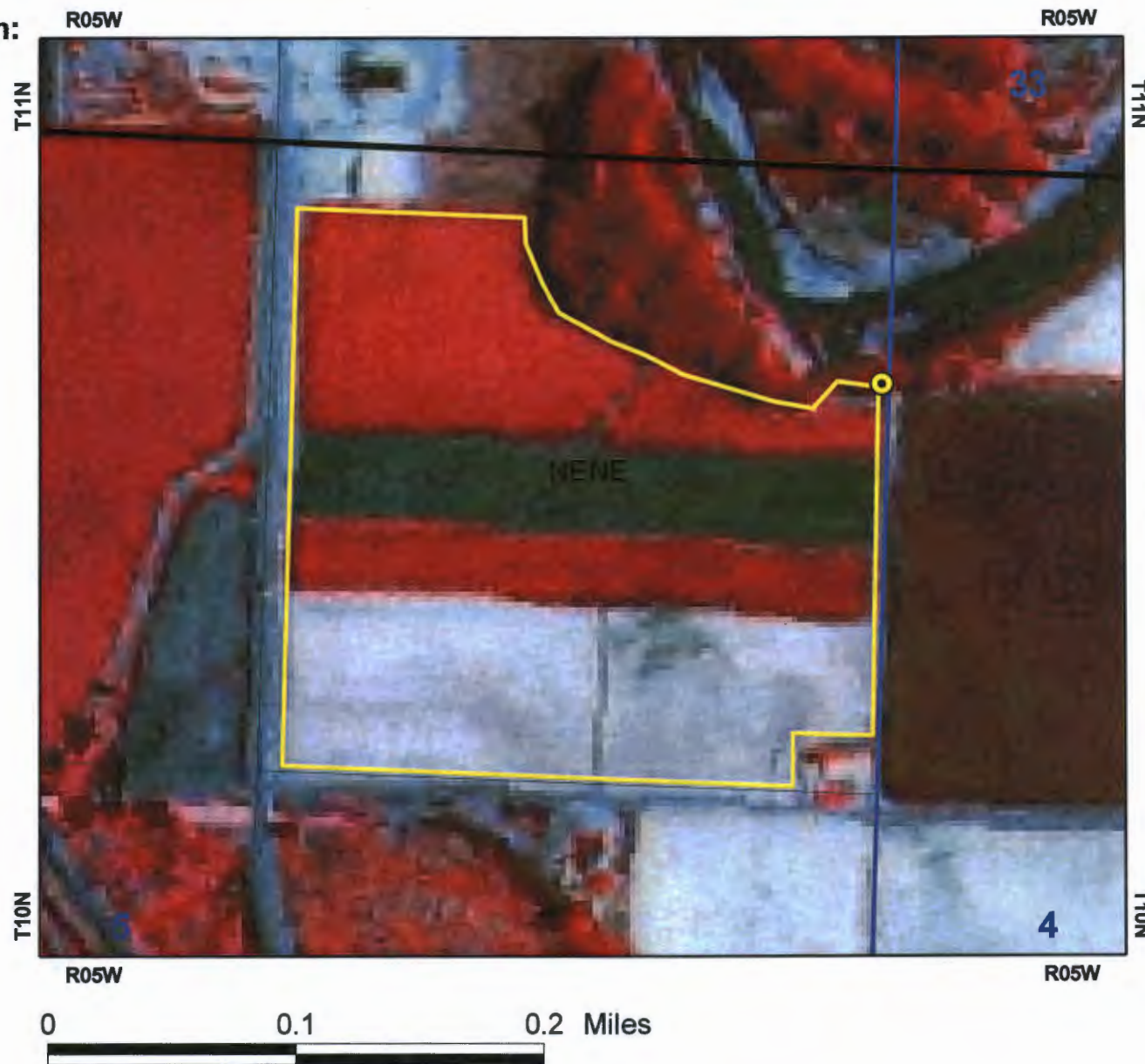
67-4017

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by J. Dean
On Wednesday, September 13, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4017 V1

WATER RIGHT NUMBER: 67-4017 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEANINE A DUVALL 1398 COOPER RD WEISER, ID 83672 (208)549-2353
Original Owner	REX FORD SMITH RT 3 WEISER, ID 83672
Current Owner	JOHN B DUVALL 1398 COOPER RD WEISER, ID 83672 (208)549-2353

Priority Date: 10/21/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.560 CFS	
	<u>Total Diversion:</u>	0.560 CFS	

Location of Point(s) of Diversion

WEISER RIVER L1 (NE1/4NE1/4NE1/4) Sec. 5, Twp 10N, Rge 05W, B.M.
WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	5	28.0																28.0
			L 1																

Total Acres: 28

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4017 V1

Comments:

1. mcase 6/15/2004 POD

Comment: Updated shape

2. mcase 6/15/2004 POU

Comment: Updated Shape

3. jdean 9/13/2006 Previously Withdrawn

Comment: This claim was withdrawn shortly after filing; however, it was then refiled by a new owner in 1994.

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: NONE RECEIVED

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	9/13/2006 4:33:27 PM	jdean			Active
Priority Date	9/13/2006 4:37:31 PM	jdean			Active
POD	9/13/2006 4:40:31 PM	jdean			Active
Source	9/13/2006 4:41:11 PM	jdean			Active
POU	9/13/2006 4:42:35 PM	jdean			Active
Use	9/13/2006 4:44:17 PM	jdean			Active
Season	9/13/2006 4:45:59 PM	jdean			Active
Quantity	9/13/2006 4:47:13 PM	jdean			Active
Summary			09/13/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/13/2006 4:39:36 PM	jdean	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4017 V1

Source	9/13/2006 4:41:11 PM	jdean	(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 - Field exam, aerial photography
POU	9/13/2006 4:41:51 PM	jdean	Updated PLS for Active POU
Contacts	9/13/2006 4:33:28 PM	jdean	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: JOHN B DUVAL - Contact Phone Number: 549-2353 Date of Field Exam: 8-16-06 8:00 AM Directions to Property:
POD	9/13/2006 4:37:53 PM	jdean	Updated shape
POD	9/13/2006 4:39:04 PM	jdean	Updated PLS
POD	9/13/2006 4:39:47 PM	jdean	Updated PLS
POU	9/13/2006 4:41:39 PM	jdean	Updated shape for Active POU
General	9/13/2006 4:37:32 PM	jdean	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (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 - Statutory claim contains a statement about the water having been used every summer since 1953. Okay to recommend claimed priority date.
POD	9/13/2006 4:40:31 PM	jdean	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4017 V1

POU	9/13/2006 4:42:35 PM	jdean	(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 photography, field exam
Use	9/13/2006 4:44:18 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam, aerial photography shows irrigation
Season	9/13/2006 4:46:00 PM	jdean	(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? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/13/2006 4:47:13 PM	jdean	(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? (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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Theoretical calculation of pump lift and horsepower was used to verify the capacity to divert the claimed diversion rate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4017 V1

Summary	9/13/2006 4:49:58 PM	jdean	(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? (No) 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?
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Water Supply Bank:

State of Idaho
Department of Water Resources
Adjudication Section
Claim Verification Field Exam Sheet

CLAIM NO(s): 67-4017

1 ☒ No Change NAME IS SAME

contact # 549-2353 or John's cell # 550-0166

☒ NEW OWNER

☐ No Change ADDRESS

☐ NEW ADDRESS

2 ☒ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant is: _____

(If this date seems questionable, explain below)

3 ☒ No Change --- SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4 ☒ No Change --- POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0016718 → power pole 10N, 5W S.4 pump # 6

Township

Range

Section

1/4's

Township

Range

Section

1/4's

5 ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☒ Incomplete description, list below:

1 pump in the Weiser River - ditches carry water to irrigate ground.
2 pumps from the well which is used for sprinkling about an acre of lawn around house + for domestic use.

Permit was cancelled
~~67-2237 (R Ford Smith / Leola Smith)~~
~~IRKig. claim 30 AC 1953~~
67-10128 (R Ford Smith / Leola Smith)
43 cfs GW / Domestic

tax lots indicate RxFrd Living Trust

~~2237 - 30 ac in NcNc, lefts~~
~~POD in NcNc + NWNW~~
~~disallow?? yes~~

(10128) GW Domestic
NcNc 004 cfs

FE

Weiser - Duvall's need c/o

4017 - 30 AC in NcNc
POD in NcNc 08 cfs
1953 (semi affidavit in Stat. file)

6 ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____ From _____ To _____ CFS _____ AFA _____

Use _____ From _____ To _____ CFS _____ AFA _____

Use _____ From _____ To _____ CFS _____ AFA _____

7 ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8 ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9 ☒ No Change ---PLACE OF USE (If changed, list below)

Use:	Township	Range	Section	1/4's	
Use:	Township	Range	Section	1/4's	
Use:	Township	Range	Section	1/4's	
Use:	Township	Range	Section	1/4's	

Remarks: (Comments pertinent to field exam) ☐ See additional attachment

description on claim says 2 pumps - but there is only
1 pump in the Weiser R. The other pump is for
a well which they use to irrigate around the house
and for basic domestic use.

☐ SYSTEM DIAGRAM INCLUDED

☒ Shown on GIS layout

☐ IN OFFICE EXAM

DATE EXAM CONDUCTED 8-16-06

FIELD EXAMINER: M. MONT / J. DEAN

Idaho Department of Water Resources



0

0.25 Miles

[Coord: 2264220
1452733]

Claim Number: 67-4017

 Washington taxlots
GCDBQuarter Lines

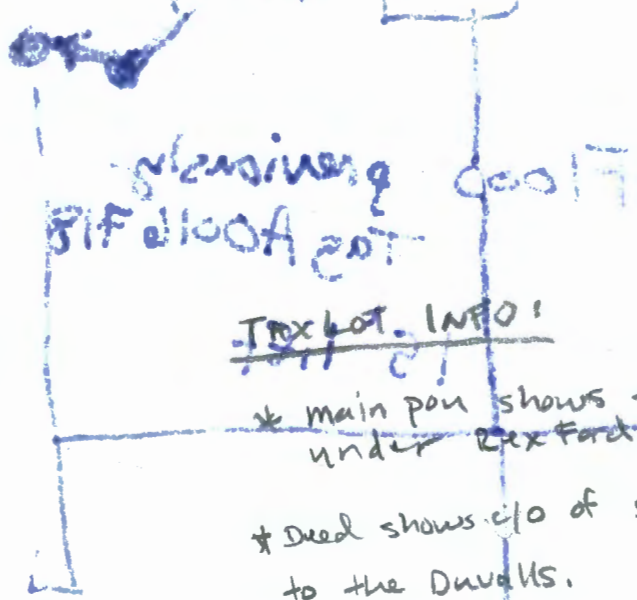


10hp
Model# T01048901 3phase induction motor

* R Ford Smith Filed ^{stat.} a claim in 1971
 he had filed for a permit or ^{but was cancelled due to}
 (67-2237) ^{late proof of B/U.}

July 16, 1954. * 1989 Smith Filed AOS claim
 * Received C/O to Duvalls in 1992.
 * Duvall Filed an adjudication claim in 1994.
 → there is proof ~~stat~~ ^{stat} 1953 as claimed. ^{but then withdrew claim.}

→ Need to verify ^{9/22/94} ^{N.2} ^{signing}



* main pon shows tax lot info as still under REX FORD SMITH LIVING TRUST.
 * Deed shows c/o of small area w/ house from R. Ford Smith to the Duvalls.
 ? do the Duvalls own the rest of the prop as well ??
 if so we need c/o doc's.

Period of Use and Quantity Data Entry Form

Claim Number 67-4017

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	0.8	

Overall Diversion Rate 0.8

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	0.8	

Overall Diversion Rate 0.8

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Diversion rate was verified as per theoretical pump calculation, see attached. Calculation indicates capacity of 4.11cfs which is sufficient to recommend this claim.

Reviewer: JLDDate: 8/25/06

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-4017
Examiner: Jennifer Dean
Date of Field Exam: 3/16/2006

P/D No.:	Pump 1
PUMP HORSEPOWER	10
BOOSTER HORSEPOWER	
PUMPING LEVEL	15
DISCHARGE PRESSURE	0
RATE OF FLOW (cfs)	4.11

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
No Friction

Examiners Notes: Claim indicates 2 pumps from Weiser River, but we only found 1 pump.
Other pumps are associated with the well for domestic use.

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: A67-04017
Date Received: 3/25/1994
Receipt No: W017295
Received By: Rdh

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JOHN B DUVALL 208-549-2353
Address: 1398 COOPER RD
WEISER ID 83672

OR

Name: JEANINE A DUVALL 208-549-2353
Address: 1398 COOPER RD
WEISER ID 83672

2. Date of Priority: OCT 21, 1953

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	5	NE	NE			WASHINGTON

5. Description of diverting works:

2 PUMPS IN WEISER RIVER, DITCHES CARRY WATER TO IRRIGATED GROUND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.800		

7. Total Quantity Appropriated is:

0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

SCANNED
APR 08 2004

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	5	NE	NE		IRR	30.0
Section Acres							30.0
Total Acres							30.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIM WAS ORIGINALLY WITHDRAWN, NEW OWNER REFILED THE CLAIM.
3-25-94 RDH.

15. Basis of Claim: STATUTORY CLAIM

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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AUG 05 1994

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 _____

MICROFILMED
AUG 05 1994

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

A67-04017

Date Received

3-25-94

Receipt Number

W017295

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 25 1994

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) John B. or Jeanine A. Duvall Phone (208) 549-2353Mailing Address 1398 Cooper Rd., Weiser, ID Zip 836722. Date of Priority (Only one (1) per claim) October 21, 19533. Source of water supply (a) Weiser River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 10N Range 05W Section 5,
NE 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of WashingtonAdditional points of diversion if any: N/Ab. If instream flow, beginning point of claimed instream flow is: N/ATownship Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of 5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion consists of (2) pumps in
the Weiser River and ditches to carry water to irrigated ground.

MICROFILMED

AUG 05 1994

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

RECEIVED
By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr. 1 to Oct. 31 amount 0.800 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.800 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 100 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
10N	05W	5	30																30

Total number of acres irrigated 30

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

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:

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AUG 05 1994

Last Name Duval Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

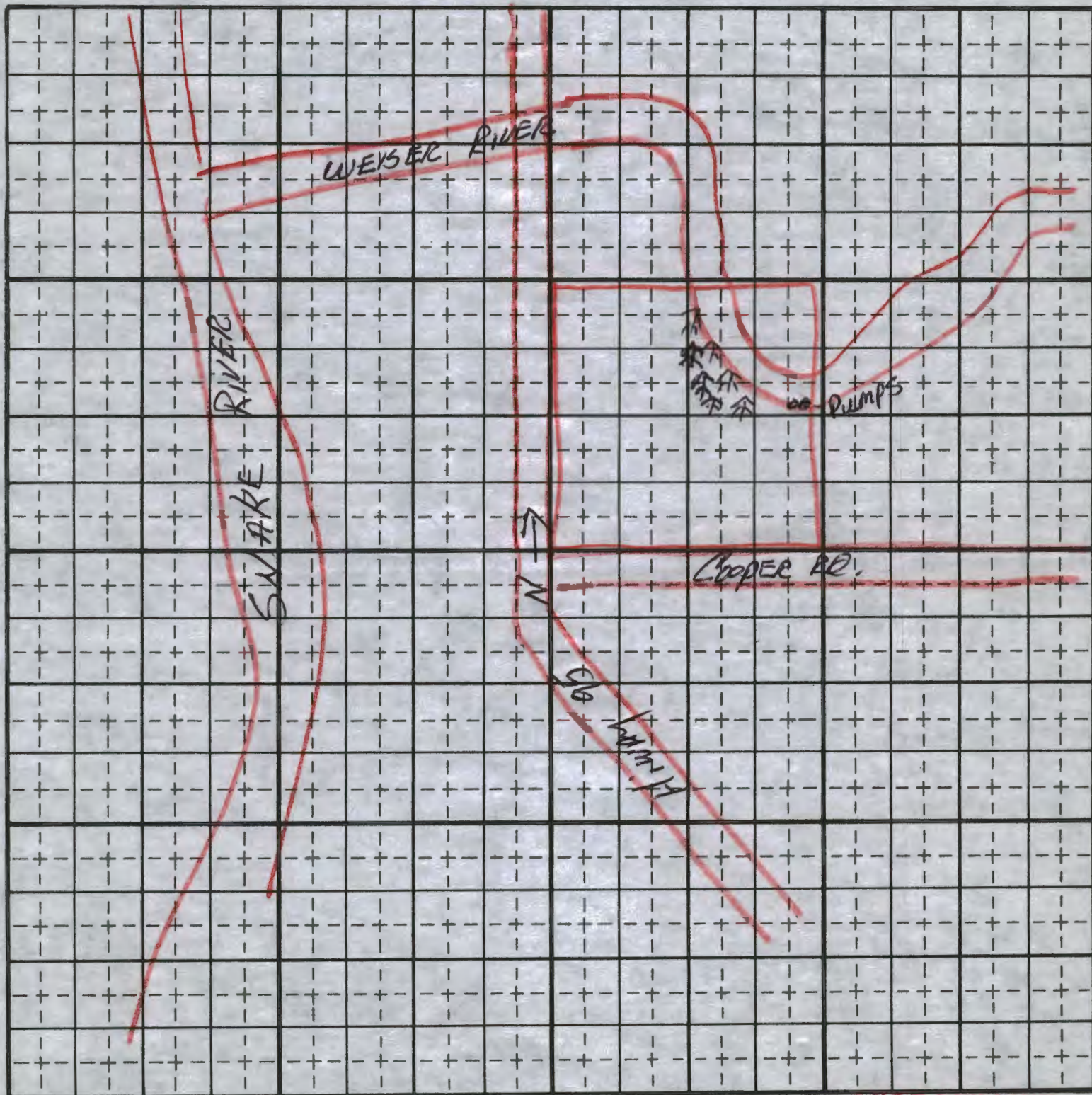
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEC #5
TOWD 10N

RNG 05W



38 Acres Total 8 Acres Wetland & River

MICROFILMED

AUG 05 1994

Last Name Duval

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A67-04017
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 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) John B. Wall

Date 3-24-94

Date _____

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 _____

Title

of _____

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 Washington)

SS.

Subscribed and sworn (or affirmed) before me this

24th

day of

March

19 94

SEAL

Notary Public

Ward Sutton

Residing at

Weiser, ID

My Commission Expires

2-04-98

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 _____

Last Name _____ Ident. Number _____

MICROFILMED

AUG 05 1994

Copies White-State, Yellow-Claimant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4/22/92

RECEIVED
SEP 1 1992
Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

RECORDED
SEP - 2 1992
Department of Water Resources
Western Regional Office

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

☐ Name and Address of Former Owner/Claimant(s)(Seller): REX FORD SMITH

RECEIVED

MAR 25 1994

☐ New Owner/Claimant (Purchaser): JOHN B. & JEANINE A. DUVAL

WATER RESOURCES
WESTERN REGION

☐ New Mailing Address: 1398 COOPER LANE
WEISER, ID 83672

☐ New Telephone Number: (208) 549 - 2353

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: RECORDED WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) John B. Duval Date 4-17-92

☐ Signature of Former Owner/Claimant(s): Jeanine A. Duval Date 4-17-92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED

AUG 05 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

For Value Received

REX FORD SMITH aka FORD SMITH, a married man dealing with his sole and separate property

The grantor, do es hereby grant, bargain, sell and convey unto

JOHN B. DUVALL AND JEANINE A. DUVALL, husband and wife

the grantee s, whose current address is

1398 COOPER LANE, WEISER, ID 83672

the following described premises, in

WASHINGTON

County Idaho, to-wit:

A parcel of land situated within Government Lot 1 of Section 5, Township 10 North, Range 5 West, Boise Meridian, more particularly described as follows:

Beginning at the southeast corner of Government Lot 1 of Section 5, T.10N., R.5W., B.M.;

Thence West - 295.00 feet along the south line of said Government Lot 1;

Thence N 0°44'58"W, parallel to the east line of said Government Lot 1, a distance of 150.09 feet;

Thence East, parallel to the south line of said Government Lot 1, a distance of 295.00 feet to a point on the east line of said Government Lot 1;

Thence S 0°44'58"E - 150.09 feet along the east line of said Government Lot 1 to the point of beginning.

SUBJECT TO AND TOGETHER WITH a 16.00 foot wide ingress-egress easement along the east side of the above described parcel of land.

EXCEPTING the right-of-way as now established of an existing County Road known as Cooper Road along the south side of the above described parcel of land.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, THEIR heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee s, that he the owner in fee simple of said premises; that they are free from all incumbrances

RECEIVED

SEP 1 1992

and that he will warrant and defend the same from all lawful claims whatsoever.

Department of Water Resources

Dated: 4/24/92

Rex Ford Smith

REX FORD SMITH

STATE OF IDAHO, COUNTY OF *Washington*
On this *24th* day of *APRIL*, 19 *92*,
before me, a notary public in and for the said State, personally
appeared

REX FORD SMITH

known or identified to me to be the person whose name
subscribed in the within instrument, and acknowledged to me
that *HE* executed the same.

Christy L. Vickers

Notary Public
Residing at *Weiser*, Idaho
Comm. Expires *11/4/97*

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of *WEISER VALLEY TITLE*

at *08* minutes past *16:00* o'clock p.m.,
this *24TH* day of *APRIL*,
19 *92*, in my office, and duly recorded in Book
of Deeds at *Pay* # *154225*

MARY KAUTZ

Ex-Officio Recorder

By *Carol A. Hurst*

Deputy.
Fees \$ *3.00*
Mail to: *W.V.T.*

Comp. Index
Comp. Rel.
Film
Card Rel.
Bk. Rel.
Update
Return

INSTRUMENT NO.

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: A67-04017
Date Received: 8/15/1989
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REX FORD SMITH
Address: RT. 3
WEISER, ID

WITHDRAWN
83672

2. Date of Priority: OCT 21, 1953

3. Source: WEISER RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	5	NE	NE	NE		WASHINGTON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.800		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	05W	5	NE	NE		IRR	30.0

Section Acres 30.0

Total Acres 30.0

A67-04017

Page 1

Date: 08/15/89

MICROFILMED
AUG 05 1994

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): x *R. Ford Smith* Date: 8/15/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of August 19 89 *Eldon L. Roush*
Notary Public

Seal

Residing at _____

My Commission Expires _____

Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 67-04017 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH REX FORD 1 - RT. 3
2 -
3 -
City- WEISER State- ID Zip- 83672
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
10/21/1953 14 S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WEISER RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
10N 05W 5 NE NE (87) WASHINGTON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.800

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10N 05W 5 NE NE 30.0 01 IRRIGATION (87) WASHINGTON

Total Acres: 30.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

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

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

MICROFILMED
AUG 05 1994

Water right number - 67-04017

Adj. flag translation: Standard Water Right Number

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/28/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
AUG 05 1994



* 0 0 B R E A K 0 0 *



* 0 0 K P E R 0 0 *



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

SEP 14 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2005

67-4017

John B & Jeanine A Duvall

1398 COOPER RD

WEISER, ID 83672

**RESPONSE DEADLINE
SEPTEMBER 16, 2005**

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number(s) shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. A map of the general area stated in your claim is also enclosed. If you irrigate, please outline the location of lands irrigated based on your claim, as well as the location of any points of diversion, if possible. If you have a claim other than irrigation, please outline the location of your place of use (i.e. house) and note the location of wells or other points of diversion. Please submit the completed map along with your evidence of priority. This will assist me in making a more accurate recommendation of your claim(s).

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, **referencing all documents with the corresponding claim number.** Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. You can contact the Basin 67 team via e-mail at B67questions@IDWR.idaho.gov. If you wish to call, our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the Adjudication.

Sincerely,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED

SEP 15 2005



Idaho Department of Water Resources

Adjudication Claim Number: **67-4017**

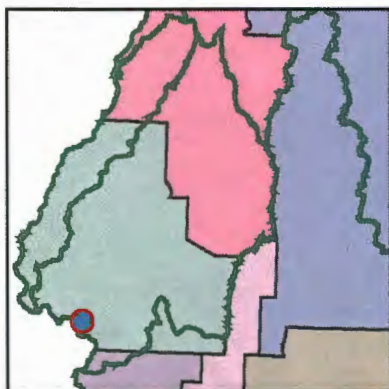
T10N R05W

SEP 15 2005

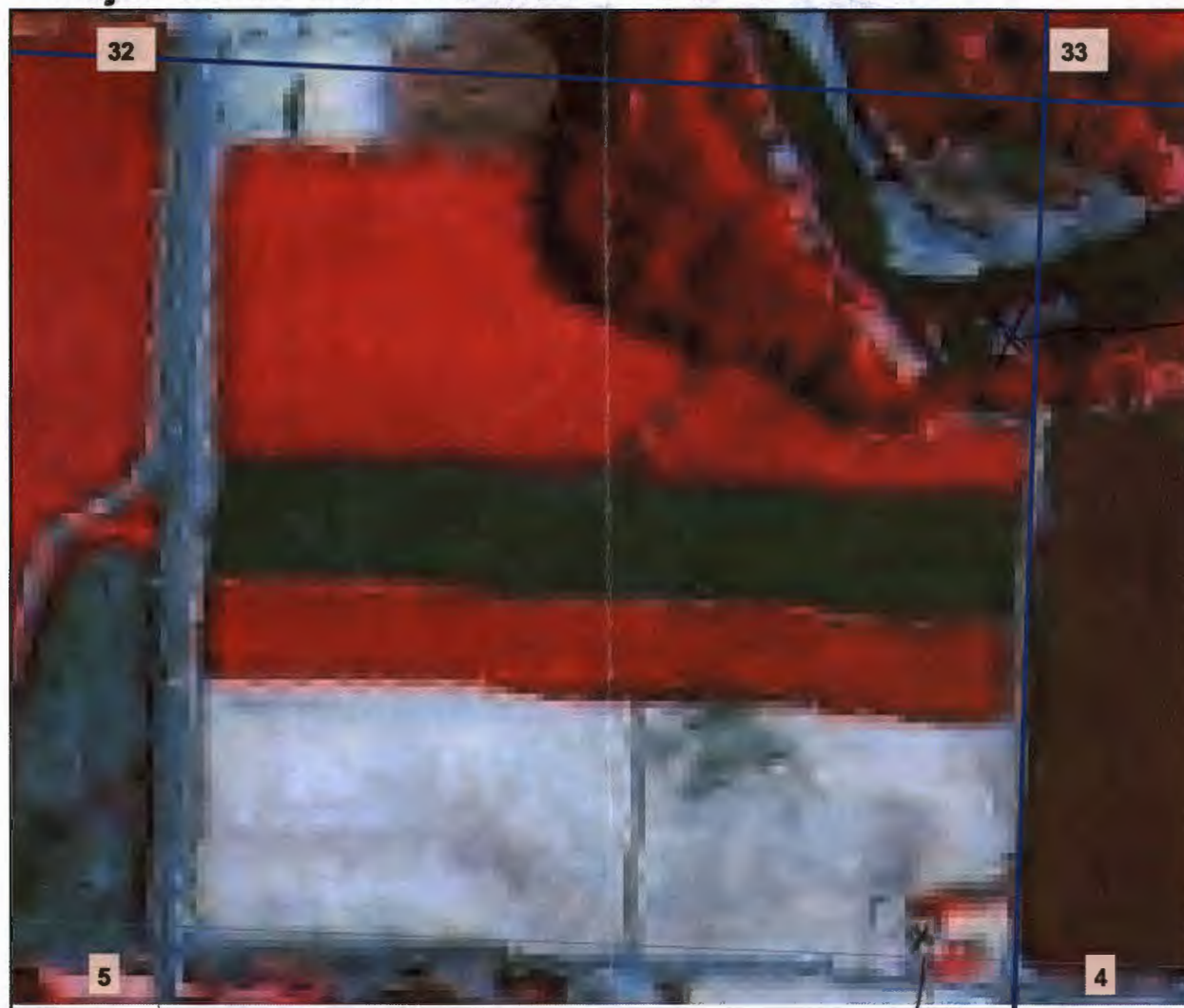
SCANNED

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



HOUSE WELL

Prepared by M. Van Bussum
On Wednesday, August 31, 2005
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4017

WATER RIGHT NUMBER: 67-4017

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	REX FORD SMITH RT 3 WEISER, ID 83672
Current Owner	JOHN B DUVALL 1398 COOPER RD WEISER, ID 83672 (208)549-2353
Current Owner	JEANINE A DUVALL 1398 COOPER RD WEISER, ID 83672 (208)549-2353

Priority Date: 10/21/1953
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

WEISER RIVER	NE1/4NE1/4	Sec. 5, Twp 10N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION Within WASHINGTON County

T10N R05W S05 NENE 30.0

Total Acres: 30

Conditions of Approval:

1. CLAIM WAS ORIGINALLY WITHDRAWN, NEW OWNER REFILED THE CLAIM.
3-25-94 RDH.

Remarks:

SCANNED
SEP 15 2005

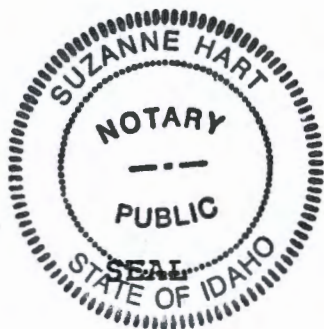
IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
67-4017)
)
)
State of Idaho)
County of Washington)

AFFIDAVIT

John B. Duvall

being first duly sworn,

deposes and says: my wife, Jeanine A. Duvall, and I bought this
property in May 1993 from Mr. Rex Ford Smith. In 1994, I was sent a
letter from Department of Water Resources and filed claim to water on
this property. This was a family farm in Washington County for over
100 years. I have no knowledge
100 years. I have no knowledge of dates filed, only the letter sent
to me by Department of Water Resources and my filing. This is still
farmed and the water is taken out of the Weiser River by two pumps
at the Northeast part of the property. Row crops are still grown on
the farm. There is one well and 2 pumps that are used for water and
irrigation for our home.



John B Duvall
(Signature)

Subscribed and sworn to before me this
day 12 of September, 19 2005.

[Signature]
(Notary Public)

Residing at Weiser, ID.

My Commission Expires 8-1-06

SCANNED

SEP 15 2005

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 50

7. Where water is used for domestic or municipal purposes give number of families served 10
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. 5

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

I had a permit issued by Mark R. Kulp issued 16th of
July 1954. Through unavoidable circumstances and a little
negligence I was canceled out. All these records are in
file in your office. I do not know what else I could
say except that I have been using the water each summer
since 1953 and must have it at my place is of little
value. Thank you for your help.

EOP for
67-4017
Supports
1953
mm(OG)

State of Idaho }
County of _____ } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

R. G. Smith
Claimant

Sworn to before me this 9 day of Sept., 1971

Verna M. Anderson
Notary Public

Residing at Weiser, Idaho

My commission expires 8-15-73

For Department Use Only

Received by <u>ej</u>	Date <u>9-13-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>ej</u>	Date <u>9-14-71</u>	_____	_____	_____
Fee received by <u>ej</u>	Date <u>9/15/71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>D</u>	_____	_____	_____	_____
Published in <u>Weiser Signal</u>	Dates <u>10-7-71 to 10-14-71</u>	_____	_____	_____

67 4017

DEPARTMENT OF WATER ADMINISTRATION

BOISE, IDAHO
August 1971

WATER ADMINISTRATION

R. Keith Higginson
Inspector

Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

IN THE MATTER OF CANCELLATION OF PERMIT)
)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
)
STATE OF IDAHO NO. 24532-67-2237)
)
IN THE NAME OF Rex Ford Smith)
)
)

ORDER OF CANCELLATION

WHEREAS, the permit holder has failed to submit proof of beneficial use
of water due on January 30, 1954 _____; and,

WHEREAS, on May 10, 1971, notice was sent to the holder of said
permit to appear before the Director of the Department of Water Administration
on or before June 19, 1971, to show cause why said permit should not be
cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the require-
ments of said permit and has not shown adequate cause why such permit should not
be cancelled

IT IS THEREFORE ORDERED and Permit 24532/67-2237 is hereby CANCELLED.

Dated this 11th day of August, 19 71.

R. Keith Higginson
R. KEITH HIGGINSON
Director

May 10, 1971

CERTIFIED MAIL

Re: Permit No. 24532 (New No. 67-2237)

Rex Ford Smith
Route 3
Weiser, Idaho 83672

Dear Mr. Smith:

It appearing to the Department of Water Administration that the terms and conditions of Permit 24532/67-2237 to appropriate the public waters of the state of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on January 30, 1954, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 19, 1971. If said permit should not be cancelled.

Permit 24532/67-2237 claims the use of 0.8 cubic feet per second of water from the Weiser River

the point of diversion was to be located within the NE 1/4, Sec. 5, T. 10N,

R. 5W, B.M.

and the permit was approved Oct. 30, 1953

R. F. FULTON
Director

August 17, 1971

Permit No. 24542/67-2237

Mr. Ford Smith
Route #3
Seltzer, Idaho 83672

Dear Mr. Smith:

We received your letter of August 12, 1971 requesting reinstatement of your Permit No. 67-2237. Unfortunately, once a permit has been cancelled, we are prevented by Idaho Code from reinstating this permit unless it can be shown that an error was made by the Department. The cancellation of this permit, however, does not make invalid any water right you have developed by diverting and beneficially using the water.

I have enclosed a claim to a water right established by diversion and application to beneficial use form so that you might record any water right that you have established. As you will notice in the instructions for completing this form, the date of priority should be based upon the first date of actual use of the water.

If you have any questions regarding this matter, please contact us.

Very truly yours,

BOBBY D. FLETCHER
Assistant Director

BF/ab

Idaho Department of Water Resources

T10N, R05W, S5

Water Right No: 67-4017

Legend

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



0.1 0 0.1 0.2 0.3 0.4 0.5 Miles

09/17/2002

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

RIGHT NUMBER: 67-4017

NAME AND ADDRESS: JEANINE A DUVALL
1398 COOPER RD
WEISER ID 83672

JOHN B DUVALL
1398 COOPER RD
WEISER ID 83672

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.80 CFS

PRIORITY DATE: 10/21/1953

POINT OF DIVERSION:

T10N R05W S5 NENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
0.800 CFS

PLACE OF USE: T10N R05W S05 NENE 30.0

30 ACRES TOTAL

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

CLAIM WAS ORIGINALLY WITHDRAWN, NEW OWNER REFILED THE CLAIM.
3-25-94 RDH.

CLAIM WITHDRAWN 08/15/89. ELR

EXPLANATORY MATERIAL: Statutory Claim

SCANNED
APR 08 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 25, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

John B. Duvall or
Jeanine A. Duvall
1398 Cooper Rd.
Weiser ID 83672

NOTICE OF CLAIM NO. (S)
A67-04017

Dear John & Jeanine,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,


Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment

MICROFILMED
AUG 05 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

March 1, 1994

FAX (208) 334-2348

JOHN B. DUVALL OR
JEANINE A. DUVALL
1398 COOPER LANE
WEISER ID 83672

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).** **SEE NEXT PAGE**

_____ There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

_____ Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

_____ It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

_____ Name and address of former owner (seller). This will clarify the original owner of the water right.

_____ Name, address and phone number of new owner (purchaser).

_____ This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

_____ Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

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Signature of new owner (purchaser) is needed on this form.

XX Other: THE ORIGINAL CLAIMANT WITHDREW HIS CLAIM. IN ORDER TO PROCESS THIS CLAIM IT WILL NEED TO BE REFILED. ENCLOSED IS A COPY OF THE WITHDRAWN CLAIM. YOU MAY USE IT TO HELP FILL IN THE ENCLOSED BLANK COPY OF A NOTICE OF CLAIM TO A WATER RIGHT. NORMAL FEE'S APPLY, IF YOU RETURN THIS INFORMATION WITHIN 30 DAYS OF THIS LETTER. NORMAL FEE'S ARE \$80.00. IF THIS CLAIM IS FILED LATER THAN THE 30 DAYS, YOU MAY BE CHARGED AN ADDITIONAL \$50.00 LATE FEE.

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed (if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Rh
Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

RH:r
Enclosures

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AUG 05 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4/22/92

RECEIVED
SEP 1 1992
Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

SEP - 2 1992

☐ Water Right Number(s)
Assigned by IDWR: _____

Department of Water Resources
Western Regional Office

☐ Name and Address of Former Owner/Claimant(s)(Seller): REX FORD SMITH

☐ New Owner/Claimant (Purchaser): JOHN B. & JEANINE A. DUVALL

☐ New Mailing Address: 1398 COOPER LANE
WEISER, ID 83672

☐ New Telephone Number: (208) 549 - 2353

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: RECORDED WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): John B. Duvall Date 4-17-92

☐ Signature of Former Owner/Claimant(s): Jeanine A. Duvall Date 4-17-92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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AUG 05 1994

WARRANTY DEED

For Value Received

REX FORD SMITH aka FORD SMITH, a married man dealing with his sole and separate property

The grantor, does hereby grant, bargain, sell and convey unto

JOHN B. DUVALL AND JEANINE A. DUVALL, husband and wife

the grantee s, whose current address is

1398 COOPER LANE, WEISER, ID 83672

the following described premises, in

WASHINGTON

County Idaho, to-wit:

A parcel of land situated within Government Lot 1 of Section 5, Township 10 North, Range 5 West, Boise Meridian, more particularly described as follows:

Beginning at the southeast corner of Government Lot 1 of Section 5, T.10N., R.5W., B.M.;

Thence West - 295.00 feet along the south line of said Government Lot 1;

Thence N 0°44'58"W, parallel to the east line of said Government Lot 1, a distance of 150.09 feet;

Thence East, parallel to the south line of said Government Lot 1, a distance of 295.00 feet to a point on the east line of said Government Lot 1;

Thence S 0°44'58"E - 150.09 feet along the east line of said Government Lot 1 to the point of beginning.

SUBJECT TO AND TOGETHER WITH a 16.00 foot wide ingress-egress easement along the east side of the above described parcel of land.

EXCEPTING the right-of-way as now established of an existing County Road known as Cooper Road along the south side of the above described parcel of land.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, THEIR heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s, that he the owner in fee simple of said premises; that they are free from all incumbrances

RECEIVED

SEP 1 1992

and that he will warrant and defend the same from all lawful claims whatsoever.

Department of Water Resources

Dated: 4/24/92

REX FORD SMITH

STATE OF IDAHO, COUNTY OF Washington
On this 24th day of APRIL, 1992,
before me, Notary Public in and for the said State, personally appeared

REX FORD SMITH

known or identified to me to be the person whose name
subscribed by the within instrument, and acknowledged to me
that HE executed the same.Notary Public
IdahoResiding at Weiser
Comm. Expires 11/4/97STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLEat 08 minutes past 16:00 o'clock p.m.,
this 24TH day of APRIL
19 92, in my office, and duly recorded in Book
of Deeds at ~~XXX~~ # 154225

MARY KAUTZ

Ex-Officio Recorder

By [Signature] Deputy.

Fees \$ 3.00

Mail to: W.V.T.

Comp. Index
Card Rel.
Bk. Rel.
Update
Return

INSTRUMENT NO.

Water Right Number - A67-04017

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH

REX FORD

1 - RT. 3

2 -

3 -

City- WEISER

Phone -

State- ID Zip- 83672

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/21/1953 14 WESTERN W - WITHDRAWN+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
WEISER RIVER SNAKE RIVER
WITHDRAWN+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
10N 05W 5 NE NE (87) WASHINGTON+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.800+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.800 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10N 05W 5 NE NE 30.0 01 IRRIGATION (87) WASHINGTON

Total Acres: 30.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
****CLAIM WITHDRAWN 08/15/89. ELR ****+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.MICROFILMED
AUG 05 1994

WITHDRAWAL OF CLAIM IN SRBA

TO WHOM IT MAY CONCERN:

I/We hereby withdraw the Notice of Claim to
Water Right number A67-04017.

Signed at IDWR - Western Region

this 15 day of August, 19 89.

R. Ford Smith
Claimant

WITHDRAWN

MICROFILMED

AUG 05 1994

Water Right Number - R67-04017

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH

REX FORD

1 - RT. 3

2 -

3 -

City- WEISER

Phone -

State- ID Zip- 83672

+ - - Priority Date - - +
10/21/1953+ - - - Region - - - +
14 WESTERN

+ - - - Stage - - - +

+ - - - Status - - - +
W - WITHDRAWN+ - - - - Source - - - - - +
WEISER RIVER
WITHDRAWN+ - - - - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

10N 05W 5 NE NE (87) WASHINGTON

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

01 - IRRIGATION 04/01 10/31 0.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.800 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

10N 05W 5 NE NE 30.0 01 IRRIGATION (87) WASHINGTON

Total Acres: 30.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
****CLAIM WITHDRAWN 08/15/89. ELR ****+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.MICROFILMED
AUG 05 1994

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	- 08/15/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-

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AUG 05 1994