

02/02/2006

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

RIGHT NUMBER: 22-10808

NAME AND ADDRESS: ANN REYNOLDS
2796 W HWY 33
REXBURG ID 83440

MICHAEL L BLACK
2796 W HWY 33
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 05/05/1958

POINT OF DIVERSION:

T06N R39E S26 SWNENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.020 CFS

PLACE OF USE: DOMESTIC Within MADISON County

T06N R39E S26 NENW

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

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

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

Use: Shop w/Toilets

December 12, 2005

ELDEN LOTT
MARY LOTT
2796 W HWY 33
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-10808

Dear Mr. Lott:

I received the Notice of Error Reply you submitted. Unfortunately, I cannot change the ownership into your name without the appropriate paperwork.

Please fill out the enclosed Change in Water Right Ownership form and return with the requested information.

If you have any questions feel free to contact this office at 208-525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

SCANNED
DEC 14 2005

PROFILED

RECEIVED

09/14/2005 DEC 07 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-10808

ANN REYNOLDS
2796 W HWY 33
REXBURG ID 83440
Telephone Number: (208) 356-8235

MICHAEL L BLACK
2796 W HWY 33
REXBURG ID 83440
Telephone Number: (208) 356-8235

ELDEN OR MARY LOTT
2796 W. HWY 33
REXBURG, IDAHO 83440

PLEASE MAKE THIS CHANGE IN
YOUR RECORDS

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Purpose and use commercial

2. Describe the changes you wish to make in the proposed recommendation:

Use commercial and culinary (household)

3. Give a brief explanation as to why you disagree with these portions:

This has been used for culinary since 1990

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-5-05

SIGNATURE:

Eldon G. Lott

Please print your name:

ELDEN G. LOTT

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

12/14/05 Change of Ownership form given to Mr. Lott by B. Conner on 3 June 05.
No Response From Mr. Lott.

RECEIVED

DEC 12 2005

Department of Water Resources
Cantrell Building

Mailed Change of
Ownership Form.
12-12-05
KLS

KLS
12/12

February 17, 2004

Michael Black
2796 W Hwy 33
Rexburg ID 83440

Mailed
2-17-04

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10808

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of May 5, 1958, from a well.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will 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**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Claim no. A22-10808

Claimant Contact Log

Date	Remarks	Agent initials
2/17/04	Request for Priority, Evidence letter sent.	
31 May 05	356-8235 - Fax machine	Yac
	phone book { 356-8063 - Dr. Ann Reynolds - no answer 356-0714 " " " - disconnected 356-3691 - this is Hospital route	
2 June 05	Stopped by. Shop personnel say owner is Eldon Lott, 356-6043. Will be in this afternoon.	
2 June 05	12:30 pm 356-6043, Water is used in shop and in a home. OK to come by this afternoon/evening.	
2 June 05	Field inspection w/ new owner Eldon Lott.	

Contacts Data Entry Form

Water Right No. A2210808

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>MICHAEL BLACK</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B.U. Clear Commercial

_____Recommend AS CLAIMED w/ Priority, BRIDGES, MEASURES
NOT ROAD'S < 0.20 cfsNew owner is Eldon Lott, 356-60432796 W Hwy 33, Rexburg ID 83440. I gave Mr.
Lott a change of ownership form. BAC 3 June 05NOB
N11Home just north of shop also has a domestic WR from
this well. I left a claim form but Mr. Lott was
not sure if he would send it in. BAC 3 June 05

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A 22 10 808

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5 MAY. 1958 Claimed Basis: B.URecommended Priority Date: _____ Recommended Basis B.U☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

B.U claim

Mr. Lott is unsure of his ability to get EOP. If not, water use does not appear to exceed non-residential dominimus 2500 gallons per day.

BAL 3 June 05

Reviewer: _____

Date: _____

Water Right No(s). A22-10808

please see next page

GPS DATA:

Tag # A0013640 Location: above pump on elect. panel

Diversion Data:

Source: GW Trib to: _____

MOTOR

Make: GE Model: 1BG Hp: 1/2
SN: 53CQN1000

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 2 June 05 Agent: Bac

Point of Diversion and Source Data Entry Form

Claim Number: A2210808

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 6N, R 39E, Sec. 26, SW, NE, NW. County: MADISONSource: Ground Water Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp Rge Sec Gov Lot QQQ of QQ of Q

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? CPS Trp

Document how the POD and Source were verified and

6N 39E26 SWNE NW

Waypoint 20 is 5'
east of well, poor GPS
accuracy. Well is
just inside east door
of shop.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Waypoint coordinates 2674305 E 1404727 N IOTM 83

Domestic right for 1 home also uses this POD.
Bal 3 June 05



tag location
pump

Place Of Use Data Entry Form

Claim Number: A2210808☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	39E	26	NE	NW	Madison			Commercial

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Field inspection. Shop in 6N 39E 26 NE NW,
physical address 2796 W Highway 33.
BAC 3 June 05

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

 Claim Number: A2010508
☐ 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

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Commercial	1/1	12/31	102	

 Overall Diversion Rate .02 cfs Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
			0.02	0.60

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Shops w/ restrooms, < 10 employees I estimate.
BAC 3 June 05

Reviewer: _____

Date: _____

22-10808



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: A22-10808
Date Received: 8/09/1988
Receipt No: E001166
Received By: HRM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL L. BLACK 208-356-8235
Address: 2796 WEST HIWAY 33
REXBURG, ID 83440
OR
Name: ANN REYNOLDS 208-356-8235
Address: 2796 WEST HIWAY 33
REXBURG, ID 83440



2. Date of Priority: MAY 05, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	39E	26	SW	NE	NW		MADISON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/ONE SHOP WITH TOILETS.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	39E	26	NE NW		COMMER	

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
PRIORITY DATE IS BEST ESTIMATE.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *Michael J. Dean* Date: 8/9/88

Date: _____

State of Idaho)
County of Bonneville) SS.

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

Betty J. Thompson
Notary Public

Seal

Residing at *Idaho Falls*

My Commission Expires 6-94

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Page

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Date: 08/09/88

UNRECORDED
NOV 06 1992

A22-10808



Hibbard

WARD

DITCH

ISLAND

CLEMENTS

SPORI

TETON

MUNICIPAL AIRPORT

WESTFIELD

BRANCH

REXBURG

T6N
R39E

NOV 1961