

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04100
Date Received: 3/26/1990
Receipt No: W011694
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDITH M. MELL 208-452-3640
Address: 725 S. PENNSYLVANIA AVE.
FRUITLAND, ID 83619

OR

Name: ANTONE J. MELL 208-452-3640
Address: 725 S. PENNSYLVANIA AVE.
FRUITLAND, ID 83619

2. Date of Priority: MAR 15, 1969

3. Source: ASHLOCK GULCH DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	05W	28	SE	NW			PAYETTE

5. Description of diverting works:
7.5 HP PUMP, GATED PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/30	4.000		

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

8. Total consumptive use is 144.9 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	28	SW	NW		IRR	20.0
			SE	NW		IRR	6.0
						Section Acres	26.0
		29	SE	SE		IRR	16.0
						Section Acres	16.0
						Total Acres	42.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
BLACK CANYON

14. Remarks:
AC. IRR.=41.4.

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: 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): Dee M. Mee Date: 3-26-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of March 19 90

Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission ~~Expires~~ MY COMMISSION EXPIRES DEC. 8, 1994

T7N, R5W, Sec 28 + 29 AG3-4100

MICROFILMED

Aug 20 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004389393
MAILED FROM ZIP CODE 83
\$00.8
FEB 02 2

RECEIVED
FEB 08 2007
WATER RESOURCES
WESTERN REGION

ATTEMPTED
NOT KNOWN
63-4100

EDITH M MELL

ANTONE J MELL



No longer
live here
ANK

12/10/2006

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

RIGHT NUMBER: 63-4100

NAME AND ADDRESS: ANTONE J MELL
725 S PENNSYLVANIA AVE
FRUITLAND ID 83619

EDITH M MELL
725 S PENNSYLVANIA AVE
FRUITLAND ID 83619

SOURCE: ASHLOCK GULCH DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 0.790 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 03/15/1969

POINT OF
DIVERSION: T07N R05W S28 SENW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.790 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T07N R05W S28	SWNW	18.00	T07N R05W S28	SENW	8.50
T07N R05W S29	SESE	13.00			

39.5 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Black Canyon Irrigation District.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES
02 1A
0004310839
MAILED FROM ZIP CODE
\$ 00
OCT 0

ATTEMPTED
NOT KNOWN

RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

EDITH M MELL

ANTONE J MELL
725 S PENNSYLVANIA AVE
[REDACTED]

NOT AT THIS
ADDRESS
←

63-4100



09/13/2006

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

RIGHT NUMBER: 63-4100

NAME AND ADDRESS: ANTONE J MELL
725 S PENNSYLVANIA AVE
FRUITLAND ID 83619

EDITH M MELL
725 S PENNSYLVANIA AVE
FRUITLAND ID 83619

SOURCE: ASHLOCK GULCH DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.790 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 03/15/1969

POINT OF DIVERSION:

T07N R05W S28 SENW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.790 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S28	SWNW	18.00	T07N R05W S28	SENW	8.50
T07N R05W S29	SESE	13.00			

39.5 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.

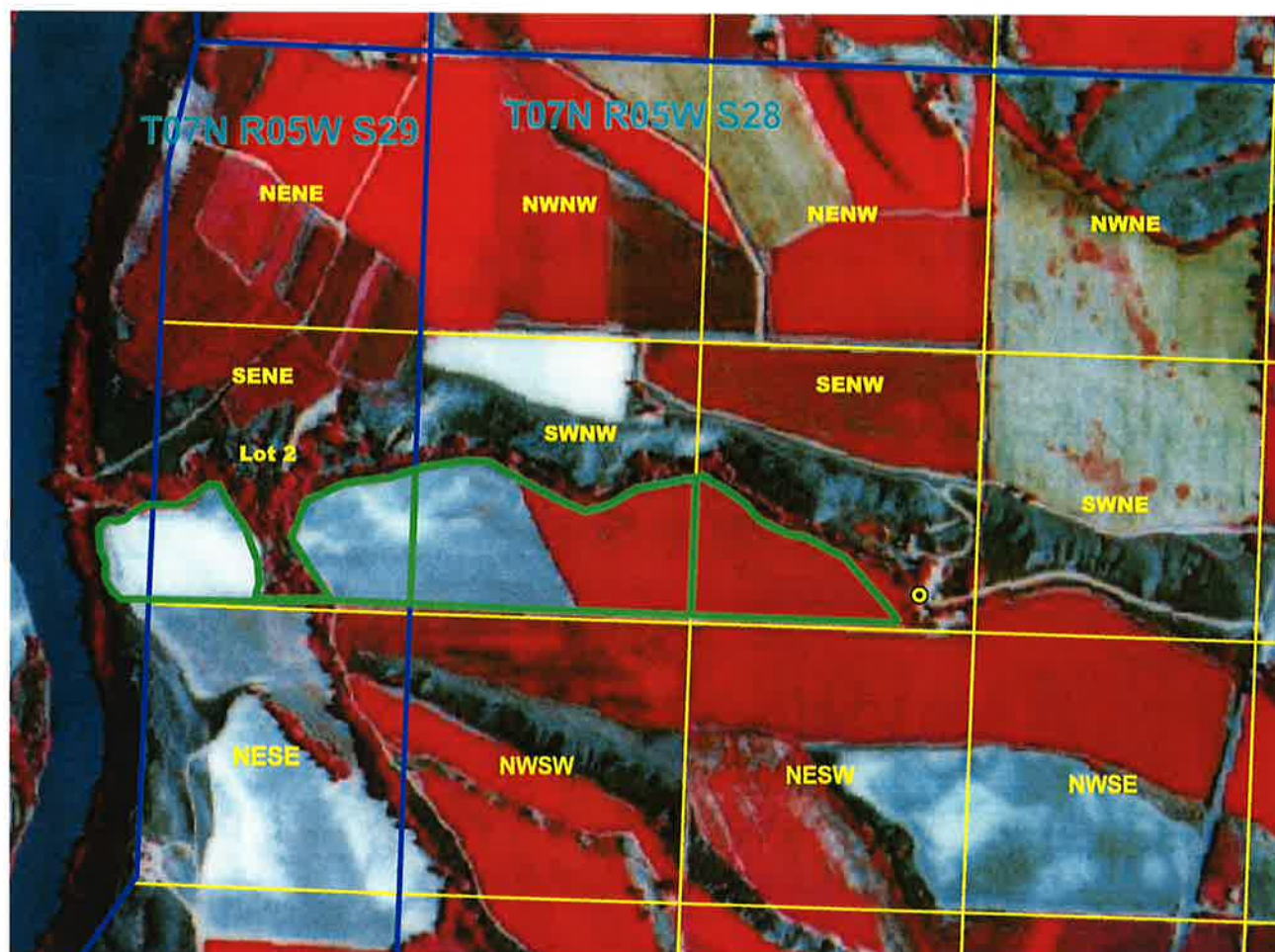
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Black Canyon Irrigation District.



State of Idaho
Idaho Department of Water Resources
Western Region

T7N R5W SECTION(S) 28 & 29
WATER RIGHT(S) : 63-4100



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

Total Irrigated Acres = 39.5 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: September 2006



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4100 V1

WATER RIGHT NUMBER: 63-4100 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANTONE J MELL 725 S PENNSYLVANIA AVE FRUITLAND, ID 83619 (208)452-3640
Current Owner	EDITH M MELL 725 S PENNSYLVANIA AVE FRUITLAND, ID 83619 (208)452-3640

Priority Date: 03/15/1969

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
ASHLOCK GULCH DRAIN	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	0.790 CFS	
<u>Total Diversion:</u>		0.790 CFS	

Location of Point(s) of Diversion

ASHLOCK GULCH DRAIN	SE1/4NW1/4	Sec. 28, Twp 07N, Rge 05W, B.M.
PAYETTE 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	
07N	05W	28							18.0	8.5									26.5
07N	05W	29															13.0		13.0

Total Acres: 39.5

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.
2. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4100 V1

Remarks:Comments:

1. dnelson 9/13/2006 Claim Review

Comment: This claim is based on a statutory claim that originally claimed 4.00 cfs for 41.4 acres. I performed a field exam on this claim on 6/12/2006, and found that only 39.5 acres are actually being irrigated from a pump that has a capacity of 1.84 cfs. The ditch system is all gated pipe, so there is no need for ditch loss on this claim. Therefore, the claim should be limited to the standard inch or 0.02 cfs per acre for the 39.5 acres or 0.79 cfs. Since this is a surface water claim, no volume will be assigned to the claim in the recommendation. The owner has 164 shares of Black Canyon Irrigation District water and irrigates 164 acres including the acres described in this claim. Therefore, this is claim is a supplemental water right to the Black Canyon Irrigation District water.

The source and point of diversion are correctly described in this claim. The Canyon County records show the ownership of the property has changed to Janis L. Osgood and Antone A. Mell. These are the children of the original owner, and they have yet to file a change of ownership for the property. Antone A. Mell accompanied on the field exam and was given the change of ownership paperwork.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
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>
Summary			04/18/2006	scurtis	Active
Contacts	9/13/2006 10:06:05 AM	dnelson			Active
Priority Date	9/13/2006 10:07:45 AM	dnelson			Active
POD	9/13/2006 10:09:09 AM	dnelson			Active
Source	9/13/2006 10:09:51 AM	dnelson			Active
POU	9/13/2006 10:11:10 AM	dnelson			Active
Use	9/13/2006 10:11:40 AM	dnelson			Active
Season	9/13/2006 10:12:57 AM	dnelson			Active
Quantity	9/13/2006 10:15:39 AM	dnelson			Active
Summary			09/13/2006	dnelson	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4100 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/18/2006 7:17:46 AM	scurtis	(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?
Quantity	9/13/2006 10:15:39 AM	dnelson	(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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Field Exam by Agent. (Theoretical Calculation)
Summary	9/13/2006 10:18:33 AM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	9/13/2006 10:07:45 AM	dnelson	(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 - Affidavit of son Antone M. Mell.
POD	9/13/2006 10:08:39 AM	dnelson	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4100 V1

Source	9/13/2006 10:09:51 AM	dnelson	(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 performed by Agent.
POU	9/13/2006 10:11:10 AM	dnelson	(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 - Field Exam by Agent.
Contacts	9/13/2006 10:06:06 AM	dnelson	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: ANTONE M MELL - Contact Phone Number: (208) 642-4287 Date of Field Exam: 6/12/2006 Directions to Property:
POD	9/13/2006 10:09:09 AM	dnelson	(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?
Use	9/13/2006 10:11:40 AM	dnelson	(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 by Agent.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4100 V1

Season	9/13/2006 10:12:58 AM	dnelson	(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?
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4100

WATER RIGHT NUMBER: 63-4100

Owner Type Name and Address
 Current Owner ANTONE J MELL
 725 S PENNSYLVANIA AVE
 FRUITLAND, ID 83619
 (208)452-3640
 Current Owner EDITH M MELL
 725 S PENNSYLVANIA AVE
 FRUITLAND, ID 83619
 (208)452-3640

PER COUNTY RECORDS
 1556

PAYETTE COUNTY
 RECORD S SHOW
 JANIS L. OSGOOD
 1556 N 5TH ST
 PAYETTE, ID
 83661

Priority Date: 03/15/1969
 Basis: Statutory Claim
 Status: Active

OK PER AFFIDAVIT.
 Beneficial use.

Source Tributary
 ASHLOCK GULCH DRAIN SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 10/30 4.000 CFS
 Total Diversion: 4.000 CFS

0.79 CFS

0.79 CFS

SURFACE
 NO
 VOLUME

Location of Point(s) of Diversion

ASHLOCK GULCH DRAIN
 PAYETTE County

SE1/4NW1/4

Sec. 28, Twp 07N, Rge 05W, B.M.

OK OK OK OK

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	
07N 05W 28							20.0	6.0									26.0
07N 05W 29							18	8.5									16.0

Total Acres: 42

39.5

13
 27
 2

Conditions of Approval:

1. AC. IRR.=41.4.

Dates and Other Information:

Claim Received Date: 3/26/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 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:

W-14 Black Canyon
 E-62 QUANTITY .02 LIMITER

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P10	Jacuzzi	7.5	54E 20041	Jacuzzi	8" Discharge

2.) Lift (distance from pump to water) 20 FT.

3.) How was lift determined (well log, measurement, owner)? measured.

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) Estimate - open Discharge.

5.) Was a measurement made? NO If no can a measurement be made at a latter time? Pump was pulled out FOR maintenance.

6.) What type of measurement device was used? Theoretical

7.) Is there a pump curve available for pump? yes

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

Ditches & gated pipe.

9.) Please outline all acres irrigated on attached aerial photo.  DONE

10.) Please clearly mark all points of diversion on map and GPS. ☒ DONE

(GPS NOT NEEDED PLO easily located on aerial photo)

11.) Please clearly mark all mainlines, ditches, and other conveyances.

☒ DONE

12.) Pictures taken of place of use and point of diversion. ☒ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system. Don't

OTHER INFORMATION NEEDED:

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

164 Acres of Black Canyon water used on property

This is a supplemental right to the 160 acres irrigated on farm.
The pump curve and theoretical calculation show the show the system capacity between 826 - 960 gpm, which is well above the inch per acre limitation. 39.5 total acres found $39.5 \times 0.02 \text{ cfs} = 0.79 \text{ cfs}$ (355 gpm)
allowable $0.79 \text{ cfs} / 177.8 \text{ gpa} (4.5 \times 39.5 = 177.8)$
This right only covers the bottom fields, 39.5 acres, of this 160 acre farm.

DATE EXAM CONDUCTED 6-12-06

FIELD EXAMINER

Daniel A. Nelson
Senior agent



T07N R05W S29

T07N R05W S28

SENE
13 acres

2

SWNW
18 acres

SENW
8.5 acres

39.5 TOTAL ACRES

NESE

NWSW

NESW

NWSE

SWSW

SESW

SWSE

NWNE

NWNW

NENW

NWNE

GROUNDWATER THEORETICAL ANALYSIS

FILE: 63-4100

DATE: 6-14-06

BY: DAN NELSON

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$(8.8) \times (7.5) \times (0.70) = 46.2$
Q = 46.2 = 1.84 CFS
826 gpm
 $[(2 \text{ FT}) + (10 \times 2.31)] = 25.1$

LIFT FROM:

Measurement (☒)

Owner ()

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate (☒)

Owner Gage ()

Booster (Y) (N)

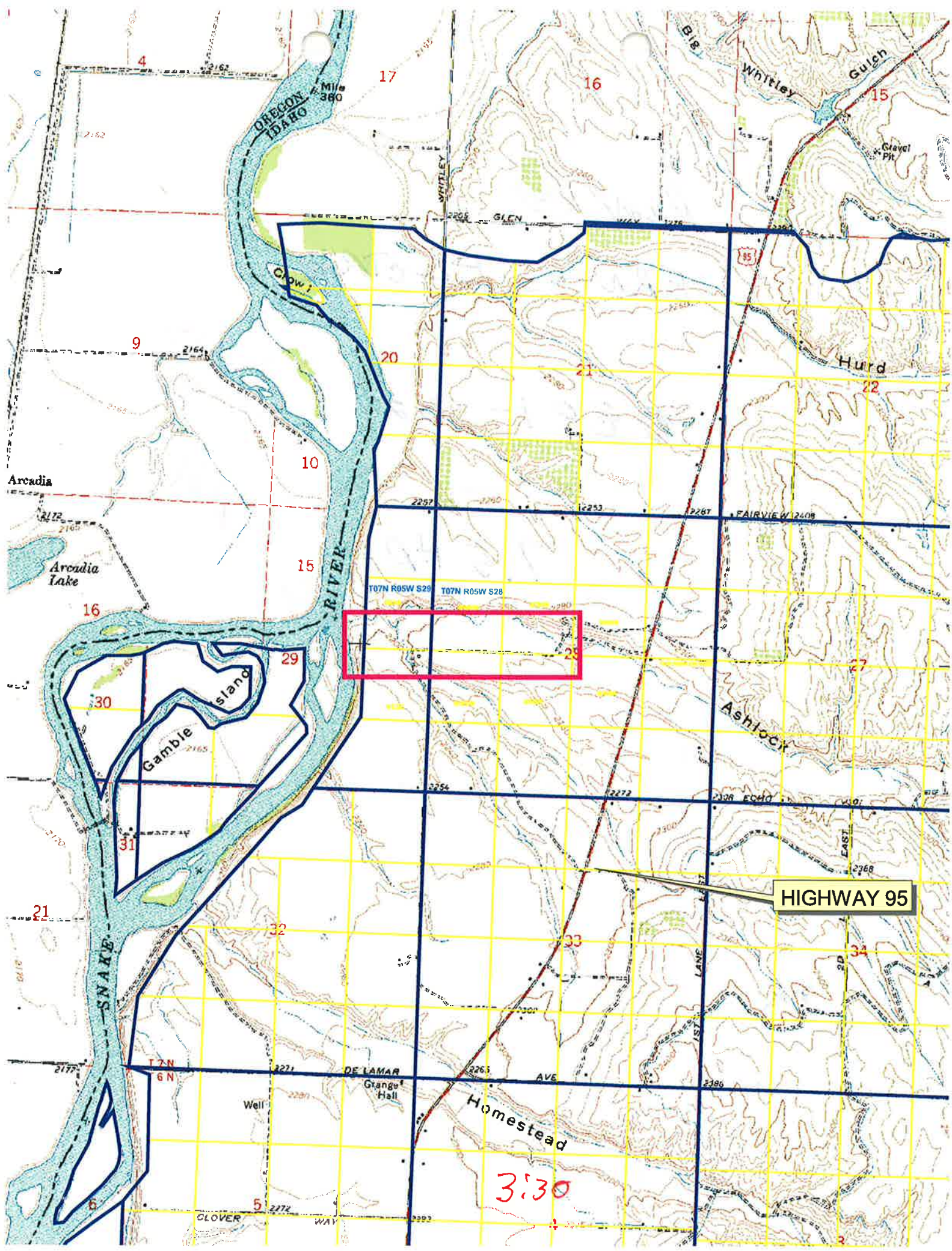
NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: PSI was estimated at 10 psi.
This estimate was based on 8 FT of head
from pump to discharge point and minimal
discharge pressure. 10 psi should be adequate
since it allows 23.1 feet of head pressure.

Pump curve allows 960 gpm.
These numbers seem reasonable.
Right should be limited to
0.02 CFS (minors inch) per acre.



HIGHWAY 95

3:30

T07N R05W S29

SENE

T07N R05W S28

SWNW

SENW

SWNE

NESE

NWSW

NESW

NWSE

Black Canyon

Black Hills

Black Canyon

Black Canyon

50 ft deep

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 6/14/2006

FILE NUMBER 63-4100



The photo at the left is of the pump station. The pump has been removed for repairs. The bottom picture is of the place of use and around to the pump station.



May 20, 2006

To Whom it May Concern,

In the spring of 1969, I helped my Dad (Antone J. Mell) install an irrigation pump station in the Ashlock Gultch Drain which is a tributary to the Snake River so we could use the water to irrigate 41.4 acres of his land. We cut down some scrub trees, poured a concrete structure, installed an electric pump and pipe leading to an open ditch so the fields could be irrigated. Water was used in producing crops in 1969 and following years. Later the open ditches were replaced with a bubbler and gated pipe.

If you have any more questions, I can be contacted by phone at (208) 642-4287 or my mailing address is 1556 N 5th Street, Payette, Idaho 83661.

Sincerely,

Antone A. Mell

Antone A. Mell





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 4, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ANTONE OR EDITH MELL
OR JANIS L OSGOOD
1556 N 5TH ST
PAYETTE ID 83661

RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-4100

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources, since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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

It is important that each element of the Notice of Claim be substantiated. 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.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

Page 2
Mell

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by May 26, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,

A handwritten signature in cursive script, appearing to read "Daniel A. Nelson".

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4100

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

Identification No. _____
Claim No. 63-4100P
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Antone J. Mell and/or Edith M. Mell
post office address Route #2, Parma, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 28 Township 7 N
Range 5 W B.M. located on Ashlock Gulch Drain
(name of source)
tributary to Snake River in Payette County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

(200 miners inches)
March 15, 1969 amount: 4.0 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to Oct. 30 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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4/18/2006

Idaho Dept. of Water Resources

Place of Use Comparison Report

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[illegible]

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Idaho Dept. of Water Resources Place of Use Comparison Report

Page2

Rec	65 2900	BLACK CANYON IRRIGATION DIST.	TUNNEL NO 2 DRAIN	07N05W28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Right	63 10728	MANUEL L DEJESUS, CLARISSIE E DEJESUS,	UNNAMED STREAM	07N05W28		X																0
Claim	63 4645	IVAN RICHARDSON,	WASTE WATER	07N05W28													6			3		9
Right	63 4645	IVAN RICHARDSON,	WASTE WATER	07N05W28												5			4			9

Receipt Details for ID W011694

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/26/1990 11:29:47 AM	3/26/1990	Western	\$25.00	Check
Payer		MELL, TONY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
451			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4100		\$92.00	Claim

[Print Report](#)