

03/16/2004

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

RIGHT NUMBER: 25-11479

NAME AND ADDRESS: Roy E. Hanson Jr. Mfg.  
1924 COMPTON AVE.  
LOS ANGELES CA 90011

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS  
2.800 AFY

PRIORITY DATE: 12/31/1925

POINT OF DIVERSION:

T04N R38E S8 SWNENW Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.040 CFS  
2.80 AFY

PLACE OF USE: COMMERCIAL Within JEFFERSON County

T04N R38E S08 NENW

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: Beneficial Use

**Field Exam Summary A25-11479****1/21/2004**

Bryce Contor  
Water Resources Field Services

**General Comments**

The property has been sold and then foreclosed. The current owner is represented by attorney Karl Decker in Idaho Falls, 523-0620. Karl will prepare a change of ownership.

The map is incorrect; the place of use and point of diversion are one block east of the sketched location. This changes the legal description.

**Ownership**

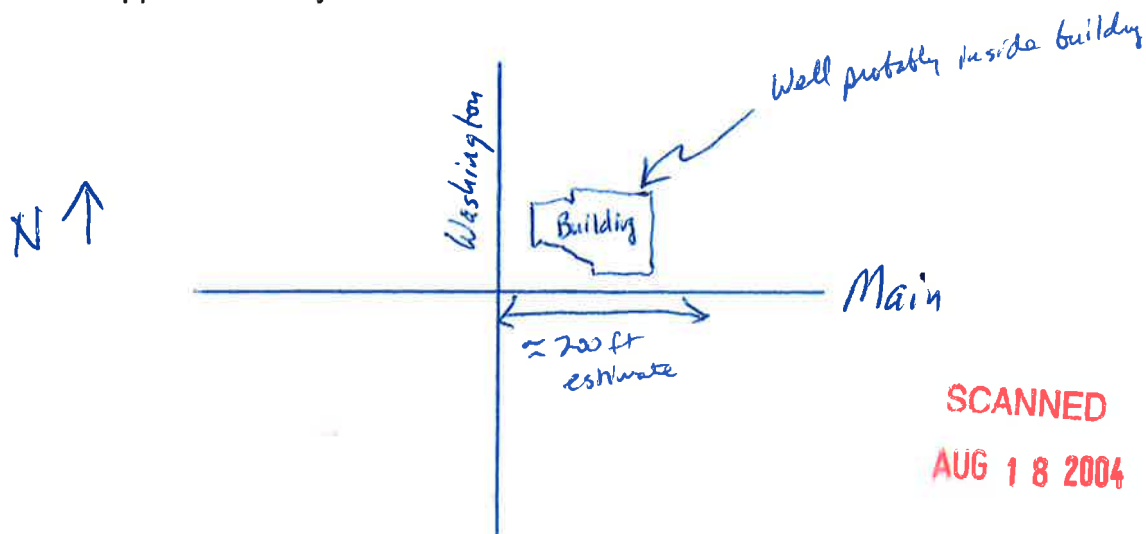
See above.

**POD**

Since Mr. Decker did not have a key, I did not go in the building. No evidence of a well was seen in the (snowy) yard. The well is probably in the basement of the building. Please see the sketch below. The legal description of the POD location is T8N R38E Section 8 SW SW NE. I did not have a GPS unit with me but the building should be visible on the GIS aerial photo image.

**POU**

The POU is a gas station on the NE corner of the intersection of Washington and Main streets in Lewisville ID. The legal description is T8N R38E Section 8 SW NE. The approximate layout is sketched below:



## **Overlap**

None noted.

## **Conflict**

None noted.

## **Priority**

The affidavit in the file supports a priority of 12/31/1925.

## **Quantity**

Diversion rate: The description lists "drinking - rest rooms (toilet and sink only) - hand washing sink." Using the "mercantile" classification of Exhibit 14 of the Field Examiner's Handbook, five fixtures X 1.3 gallons per minute = 6.5 gallons per minute. While the handbook suggests a minimum of 40 gallons per minute, the claimed rate of 0.04 cfs (18 gallons per minute) should be more than adequate for service station usage.

Volume: From Table 3 of Field Examiner's Handbook:

|                                                            |                    |
|------------------------------------------------------------|--------------------|
| Two public restrooms (Stores: 400 gallons/day/toilet room) | 800 gal/day        |
| Four workers (Workers: Day 15 gallons/person/shift)        | 60 gal/day         |
| 25 autos serviced (Service Stations: 10 gal/vehicle/day)   | <u>250 gal/day</u> |
| Daily total                                                | 1100 gal/day       |

Since this is less than the non-residential de minimus domestic limitation of 2500 gallons/day, I propose  $2500 \text{ gallons/day} \times 365.25 \text{ days} = 913,125 \text{ gallons} = 2.8 \text{ acre feet per year}$ .

Summary: I propose 0.04 cfs and 2.8 acre feet/year.

## **Water Use**

Commercial

**List of Photos**

- A25-11479\_1.jpg      Location sketched on <sup>claim</sup> map as POU. No evidence of building seen, though it may have been hidden by snow. Note that USGS topo shows a building in this location. Looking NE towards sketched location
- A25-11479\_2.jpg      Correct place of use. This is the NE corner of the intersection of Washington and Main streets. Photo looking NE from in the intersection.

Bryce A. Contor

Bryce A. Contor

1/21/04  
Date

# MEMORY TRANSMISSION REPORT

PAGE : 001  
 TIME : JAN-20-04 12:13PM  
 TEL NUMBER: 208-282-7950  
 NAME : University of Idaho - Idaho Falls

FILE NUMBER : 597  
 DATE : JAN-20 12:10PM  
 TO : 208-5251080  
 DOCUMENT PAGES : 006  
 START TIME : JAN-20 12:10PM  
 END TIME : JAN-20 12:13PM  
 SENT PAGES : 000  
 STATUS : NG BO

FILE NUMBER : 597

\*\*\* TX FAILURE NOTICE \*\*\*

Form No. 42-1409 (2) 6/1/88

*Karl Decker*  
 525-1080

*6 pages*  
*B. Coutor*  
 681-9100

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

EDUCATION  
 OF WATER FROM  
 WATER SYSTEM

CIVIL CASE NUMBER: 39576  
 Ident. Number *ARS-11477*  
 Date Received *11-28-88*  
 Receipt Number *5004459*

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

Please type or print clearly

- Name of Claimant (s) *LAVAR E. HELGINS ALVEY* Phone (208) *522-3667*  
 Mailing Address *390 E 24 St Idaho Falls Idaho* Zip *83404*
- Date of Priority (Only one (1) per claim) *June 15, 1925*
- Source of water supply (a) *groundwater*  
 which is tributary to (b) \_\_\_\_\_
- a. Location of existing point of diversion is: Township *4N* Range *38E* Section *8*  
*SW* 1/4 of *NE* 1/4 of *NW* 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of *Jefferson*  
 Additional points of diversion if any: \_\_\_\_\_
- b. If instream flow, beginning point of claimed instream flow is:  
 Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_  
 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 \_\_\_\_\_
- 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.

*2" Well*

MICROFILMED

NOV 11 1992

Water Resources  
 Field Services  
 208 663 4667

1/17/04 - Mr. Alving called me.

Mr Alving - sold business,

now in Bankruptcy -

Karl Decker is owner of transaction -

Holzer/Kidwell Firm

1/20/04 + Holzer/Kidwell Firm 523-0620 10:50

Fax Claim to Karl - 525-1080

Per Karl the business was a gas station. There was an old gas station on the corner S of Sherman Ave. Karl will forward my

1/21/04 Karl Decker - Please call 523-0620 Noon. May left for Karl.

1/21/04 Karl Decker

- 1) His client has foreclosed I will send a summary
- 2) Logs are with owner in Los Angeles CA
- 3) Business is gas station directly N of LOS Church. Description on p2 of claim matches actual facilities. Dr Mr. Decker.

1/21/04 Drive-by photo. This is just 1 block east of sketch on claim. NE corner of intersection of main & Washington Street.

# A25-11479 Preview/ Contact log

1/19/04 Preview

1) EDP adequate 12/31/1925

2) Use field exam handbook for Q/vol  
400 gal/day for customer with room  
15 gal/day/day worker  
1.3 gpm/fixture min 40 gpm

1/19/04 12:08 522-3667 Mrs. Alvey  
Flaine passed away. Mr. Alvey will call.  
He still owns this property

1/19/04 - Went to location sketched on map -  
no buildings - perhaps mapped wrong.  
One photo.

August 18, 2003

LaVar and/or Elaine Alvey  
390 E 24th St  
Idaho Falls, ID 83404

Re: Water Right Adjudication Claim(s) A25-11479

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

The purpose of this letter will be to locate and photograph the well and review the historical use of water.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

Water Resources  
Field Services  
208 663 4667

This property was a lumber yard in 1925. It was owned by a man named Ball.

I observed the use of the water drawn with Pitcher Pump.

5-21-91 Charles Weaver  
Main St  
Lewisville Ohio

Mr Carper's Property  
is on the same block  
as my property in Lewisville.

A 25-11479

Lamar Celvey

390E 24

II- Idy

83404

RECEIVED

MAY 30 1991

Department of Water Resources  
Eastern District Office

MICROFILMED

NOV 11 1992

DELOG  
RM  
3-1-04DELOG  
HH 24-04  
RECEIVED

FEB 03 2004

**STATE OF IDAHO**  
**IDAHO DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right<br>No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|--------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|--------------------------|------------------------------|-------|-----------------------|------------------------------|-------|

|          |  |  |  |  |  |
|----------|--|--|--|--|--|
| 25-11479 |  |  |  |  |  |
|          |  |  |  |  |  |
|          |  |  |  |  |  |
|          |  |  |  |  |  |
|          |  |  |  |  |  |
|          |  |  |  |  |  |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

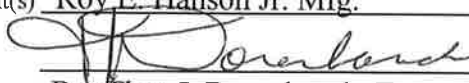
3. Name and Address of Former Owner/Claimant LaVar F. & Elaine Alvey  
390 E. 24<sup>th</sup> Street, Idaho Falls, ID 83404
4. New Owner/Claimant(s) Roy E. Hanson Jr. Mfg.  
 Name connector (check one): [ ] and [ ] or, [ ] and/or  
 New Mailing Address 1924 Compton Avenue  
 City, State and ZIP Code Los Angeles, CA 90011  
 New Telephone Number 213-747-7514
5. Date you acquired the property 3 June 2003

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>TOTAL</b>                                                                                                            | _____                                                                      | _____                                                         |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>TOTAL</b>                                                                                                            | _____                                                                      | _____                                                         |

7. Signature of New Owner(s) Or Claimant(s) Roy E. Hanson Jr. Mfg.  
(include title if applicable)

  
By: Thys J. Dorenbosch, Treasurer

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

# WARRANTY DEED

Order No.:3060010239

FOR VALUE RECEIVED

Lavar F. Alvey and KITTY MARLENE ALVEY, HUSBAND AND WIFE

Microfilm No.

301380

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Staggs Development, L.L.C.

whose current address is

252 N.3800 E. Rigby, ID 83442

FEB 09 2000  
At 4:34 O'Clock P M  
CONNIE M KELLER  
Jefferson Co. Recorder  
Fee \$ 3.00  
Recorded at Request of ATC

the grantee(s), the following described premises, in Jefferson County, Idaho, TO WIT:

BEGINNING AT A POINT 18 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 3, BLOCK 13 OF THE ORIGINAL TOWNSITE NOW THE CITY OF LEWISVILLE, JEFFERSON COUNTY, IDAHO, AS PER THE RECORDED PLAT OR PLAN THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER; RUNNING THENCE SOUTH 312 FEET; THENCE EAST 150 FEET; THENCE NORTH 148.50 FEET THENCE EAST 48 FEET; THENCE NORTH 163.50 FEET; THENCE WEST 198 FEET TO THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 2/09/2000

*Lavar F. Alvey*  
Lavar F. Alvey

*Kitty Marlene Alvey*  
KITTY MARLENE ALVEY

State of Idaho )

County of Bonneville ) ss.

On this 9th day of February, 00, before me, a Notary Public in and for said state, personally appeared Lavar F. Alvey and Kitty Marlene Alvey

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Residing in Bonneville County  
Commission Exp. 2-27-04

*Denise M. Croft*  
Notary Public for the State of Idaho  
Residing at:  
Commission Expires:

2/9/00 4:36

AFTER RECORDING RETURN TO:

Karl R. Decker  
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC.  
330 Shoup Avenue, Third Floor  
P.O. Box 50130  
Idaho Falls, ID 83405  
208-523-0620

Instrument # 323131

RIGBY, JEFFERSON, IDAHO  
2003-06-03 01:46:00 No. of Pages: 2  
Recorded for : FIRST AMERICAN TITLE  
CHRISTINE BOULTER Fee: 6.00  
Ex-Officio Recorder Deputy  
Index to: TRUSTEE DEED

25 22838  
FIRST AMERICAN TITLE

323131

## TRUSTEE'S DEED

FIRST AMERICAN TITLE COMPANY OF EAST IDAHO, (herein called Trustee) as Trustee under the deed of trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to ROY E. HANSON JR. MFG. a California Corporation whose address is attn. Thys J. Dorenbosch, 1924 Compton Avenue, Los Angeles California 90011 (herein called Grantee) all of the real property situate in the County of Jefferson, State of Idaho described as follows:

Beginning at a point 18 feet South of the Northwest corner of Lot 3, Block 13 of the original Townsite of Lewisville, Jefferson County, Idaho, as per the recorded plat or plan thereof on file in the office of the county recorder; running thence South 312 feet; thence East 150 feet; thence North 148.50 feet; thence East 48 feet; thence North 163.50 feet; thence West 198 feet to the point of beginning.

This conveyance is made pursuant to the powers conferred upon Trustee by the deed of trust between Staggs Development LLC an Idaho Limited Liability Company as Grantor, to Gregory C. Calder, as trustee, (which appointment Gregory C. Calder resigned, and in his place First American Title Company of East Idaho, was appointed by Appointment of Trustee dated January 9, 2003 and recorded January 15, 2003 as Instrument No. 319400, Official Records of Jefferson County, Idaho) and Roy E. Hanson, Jr. Mfg. as beneficiary, recorded in the office of the County Recorder of Jefferson County, State of Idaho, on February 16, 2000, as Instrument No. 301436, Official Records of Jefferson County, Idaho, and after the fulfillment of the conditions specified in said deed of trust authorizing this conveyance as follows:

(a) Default occurred in the obligations for which such deed of trust was given as security and the beneficiary made demand upon the said trustee to sell said property pursuant to the terms of said deed of trust. Notice of default was recorded January 1, 2003 as Instrument No. 319401, Official Records of Jefferson County, Idaho and in the office of the Recorder of each other county in which the property described in said deed of trust, or any part thereof, is situated, the nature of such default being as set forth in said notice of default. Such default still existed at the time of sale.

(b) After recordation of said Notice of Default, trustee gave notice of the time and place of the sale of said property by registered or certified mail, by personal service upon the occupants of said real property, by posting in a conspicuous place on said premises and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to date of sale as Instrument No. 322492, Instrument No. 322493, Instrument No. 322494

TRUSTEE'S DEED

RECEIVED BY  
ASSESSOR

For PLATTING

Date 6/3/03 Time 1:46

Page - 1

Instrument # 323808

RIGBY, JEFFERSON, IDAHO  
2003-06-30 09:30:00 No. of Pages: 2  
Recorded for : FIRST AMERICAN TITLE  
CHRISTINE BOULTER Fee: 6.00  
Ex-Officio Recorder Deputy  
Index to: RE-RECORDED

and as Instrument No. 322495.

(c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.

(d) All requirement of law regarding the mailing, personal service, posting, publication and recording of notice of default, and notice of sale and of all other notices have been complied with.

(e) Not less than 120 days elapsed between the giving of notice of sale by registered or certified mail and the sale of said property.

(f) Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to Grantee, being the highest bidder therefor, the property herein described, for the sum of \$ 75,000.00 Credit Bid subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its Assistant Secretary.

Dated this 3<sup>rd</sup> day of June, 2003.

First American Title Company of East  
Idaho

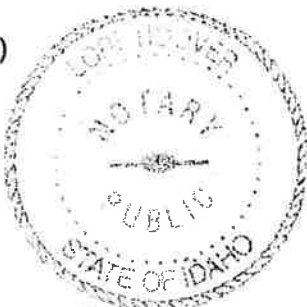
by

Rick Excell Bertha Stafford, Assistant Secretary  
TRUSTEE

STATE OF IDAHO )  
 ) SS.  
County of Jefferson )

On this 3<sup>rd</sup> of June, 2003, before me, Lois Hoover Rick Excell, the undersigned Notary Public in and for the State of Idaho, personally appeared Bertha Stafford, known to me to be the assistant secretary ~~treasurer~~ of the corporation that executed the instrument or the person who executed the instrument on behalf of the corporation, and acknowledged to me that such corporation executed the same.

(SEAL)

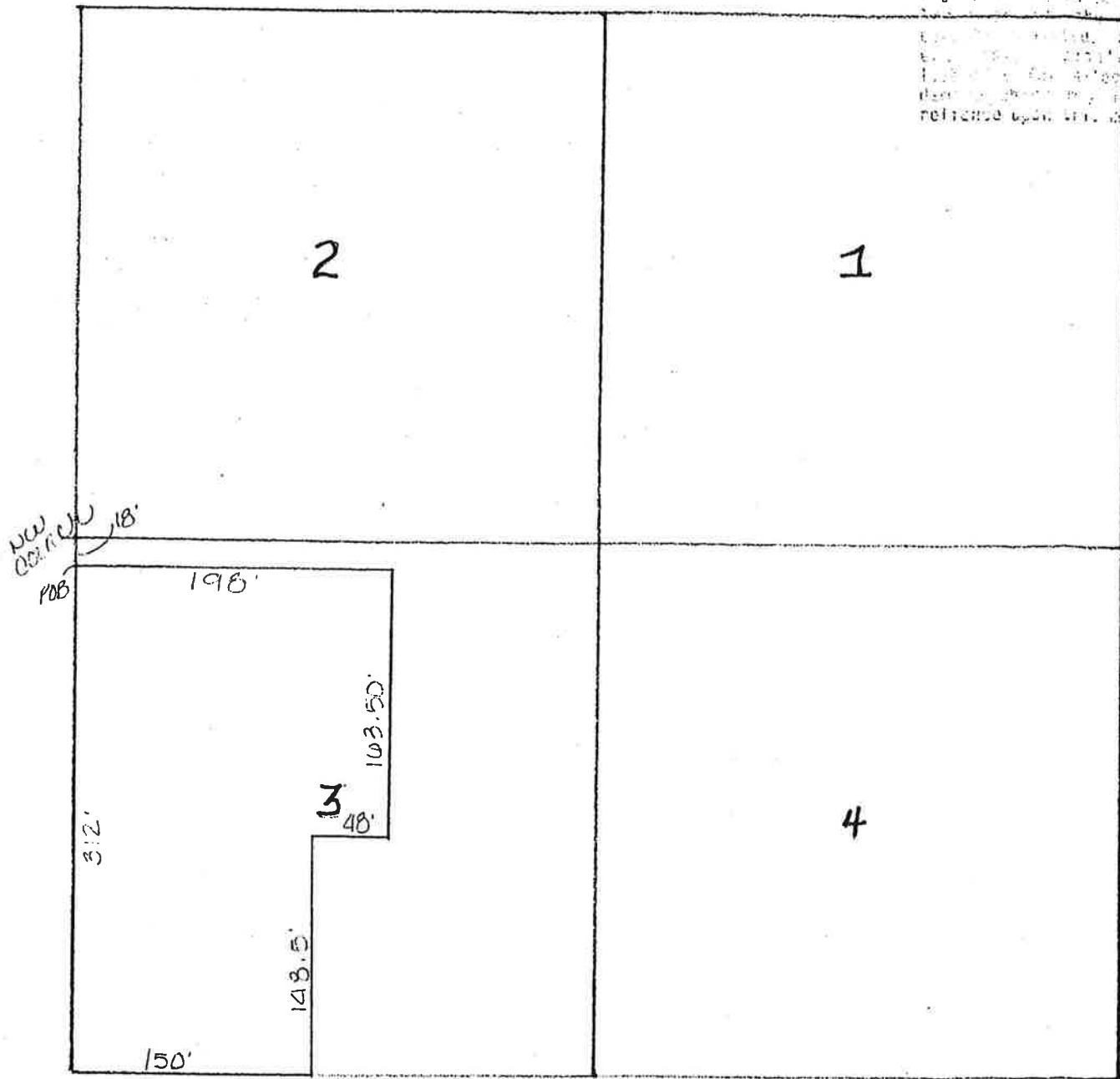


Lois Hoover  
Notary Public for State of Idaho  
Residing at: Rexburg, Idaho  
My Commission Expires: 3-14-08

TRUSTEE'S DEED

Page - 2

This map/plat may or may not be a survey of the land depicted hereon. You should not rely upon it for any other than the general information it contains. It is not intended to be used as a basis for any legal action or for the determination of title or interest in land. It is not intended to be used as a basis for the determination of any other right or interest in land. It is not intended to be used as a basis for the determination of any other right or interest in land. It is not intended to be used as a basis for the determination of any other right or interest in land.



LEWISVILLE

BLOCK 13

|    |    |    |    |    |    |
|----|----|----|----|----|----|
| 30 | 29 | 28 | 27 | 26 | 25 |
| 19 | 20 | 21 | 22 | 23 | 24 |
| 14 | 13 | 12 | 11 | 10 | 9  |
| 3  | 4  | 5  | 6  | 7  | 8  |

1st South

Main Street

1st North

Louisville Townsite

N

**NOTICE OF APPEARANCE  
OF ATTORNEY**

Notice is hereby given that I, Karl R. Decker, will be acting as attorney at law on behalf of the claimant, Roy E. Hanson Jr. Mfg., and that all notices required by law to be mailed by the director to the claimant should be mailed to me at the address listed below.

DATED this 2nd day of February, 2004.

Holden, Kidwell, Hahn & Crapo, PLLC



Karl R. Decker  
1000 Riverwalk Drive, Ste. 200  
PO Box 50130  
Idaho Falls, ID 83405-0130  
Phone: 208-523-0620  
Fax: 208-523-9518

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
CHARLES A. HOMER  
GARY L. MEIKLE  
DONALD L. HARRIS  
DALE W. STORER  
MARIE T. TYLER  
ROBERT M. FOLLETT  
FREDERICK J. HAHN, III  
KARL R. DECKER  
THEL W. CASPER\*  
SHAN B. PERRY  
AMELIA A. SHEETS  
DeANNE CASPERSON\*\*

1000 RIVERWALK DRIVE, SUITE 200  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
FACSIMILE (208) 523-9518  
E-MAIL [KDECKER@HOLDENLEGAL.COM](mailto:KDECKER@HOLDENLEGAL.COM)

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

Of Counsel  
Fred J. Hahn

\*Also Licensed in Utah and Arizona  
\*\*Also Licensed in Missouri and Kansas

RECEIVED

FEB 03 2004

February 2, 2004

Department of Water Resources  
Eastern Region

Idaho Department of Water Resources  
ATTN: Jennifer Crabtree  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402

RE: Notice of Change of Water Right Ownership  
LaVar F. & Elaine Alvey to Roy E. Hanson Jr. Mfg.  
Adjudication Claim No.: 25-11479

Dear Jennifer:

Enclosed with this letter is a Notice of Change of Water Right Ownership from LaVar F. & Elaine Alvey to Roy E. Hanson Jr. Mfg. along with a Notice of Appearance of Attorney.

Please make the changes and once complete, forward a copy of the Claim to this office. Thank you for your kind assistance with this matter. If you have any questions, please feel free to contact this office at your earliest convenience.

Sincerely,

Holden, Kidwell, Hahn & Crapo, P.L.L.C.



Karl R. Decker

Enclosures

April 29, 1991

LaVar Alvey  
390 E. 24th Street  
Idaho Falls, ID 83404

RE: **Evidence of Priority**

Dear LaVar Alvey:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice 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 all of the 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 this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

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**NOV 11 1992**

LaVar Alvey

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Please submit the required evidence supporting the priority date by **May 29, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen  
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"  
Proof Report

A25-11479  
LAVAR ALVEY  
ELAINE ALVEY  
390 E. 24TH STREET  
IDAHO FALLS ID 83404

RECEIVED  
MAY 11 1991

AUG 11 2001

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: A25-11479  
Date Received: 2/06/1989  
Receipt No: E004439  
Received By: Codes 229

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LaVAR ALVEY 208-522-3667  
Address: 390 E. 24TH STREET  
IDAHO FALLS, ID 83404

AND/OR

Name: ELAINE ALVEY 208-522-3667  
Address: 390 E. 24TH STREET  
IDAHO FALLS, ID 83404

2. Date of Priority: JUN 15, 1925

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County    |
|----------|-------|---------|--------|--------|--------|-----|-----------|
| 04N      | 38E   | 8       | SW     | NE     | NW     |     | JEFFERSON |

5. Description of diverting works:  
2" WELL TO COMMERCIAL BUILDING

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.040 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
COMMERCIAL BUSINESS. RESTROOM, DRINKING WATER

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Date: 02/06/89

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10. Place of Use:

|          |       |         |            |     |        |       |
|----------|-------|---------|------------|-----|--------|-------|
| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
| 04N      | 38E   | 8       | NE NW      |     | COMMER |       |

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day

of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A25-11479

Date Received

11-28-88

Receipt Number

E004439

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) LAVAR F. & ELAINE ALVEY Phone (208) 522-3667  
Mailing Address 390 E 24<sup>TH</sup> ST Idaho Falls Idaho Zip 83404

2. Date of Priority (Only one (1) per claim) June 15, 1925

3. Source of water supply (a) groundwater  
which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 4N Range 38E Section 8,  
SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Jefferson

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

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.

2"Well

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from Jan 1 to Dec 31 amount 0.04 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater; Type and number of livestock Etc.) 1 place - Drinking - 2 rest rooms (Toilet & sink only) - Hand Washing Sink

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 |        |
| <u>46N</u> | <u>38E</u> | <u>8</u> |        |       |       |       | <u>C</u> |       |       |       |        |       |       |       |        |       |       |       |        |
|            |            |          |        |       |       |       |          |       |       |       |        |       |       |       |        |       |       |       |        |
|            |            |          |        |       |       |       |          |       |       |       |        |       |       |       |        |       |       |       |        |
|            |            |          |        |       |       |       |          |       |       |       |        |       |       |       |        |       |       |       |        |
|            |            |          |        |       |       |       |          |       |       |       |        |       |       |       |        |       |       |       |        |
|            |            |          |        |       |       |       |          |       |       |       |        |       |       |       |        |       |       |       |        |
|            |            |          |        |       |       |       |          |       |       |       |        |       |       |       |        |       |       |       |        |
|            |            |          |        |       |       |       |          |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated \_\_\_\_\_

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

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

14. Remarks:

Last Name ALVEY Ident No. A25-11479

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Copies: White State Yellow-County  
NOV 11 1992

Scale: 2 inches equals 1 mile

A 20x20 grid of graph paper. In the center, there is a handwritten note that reads "SEE ATTACHED MAP." The text is written in a cursive, handwritten style. The grid is composed of small squares, each with a dashed crosshair in the center. The note is positioned in the middle of the grid, spanning approximately 10 columns and 4 rows.

*Copies: White-State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

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 \_\_\_\_\_ 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) Edward J. Alvey Date 11-28-88

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 \_\_\_\_\_ of \_\_\_\_\_

Title

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 Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 28th day of Nov, 19 88

SEAL

Notary Public Betty J. Thompson

Residing at Idaho Falls

My Commission Expires 6-94

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 \_\_\_\_\_

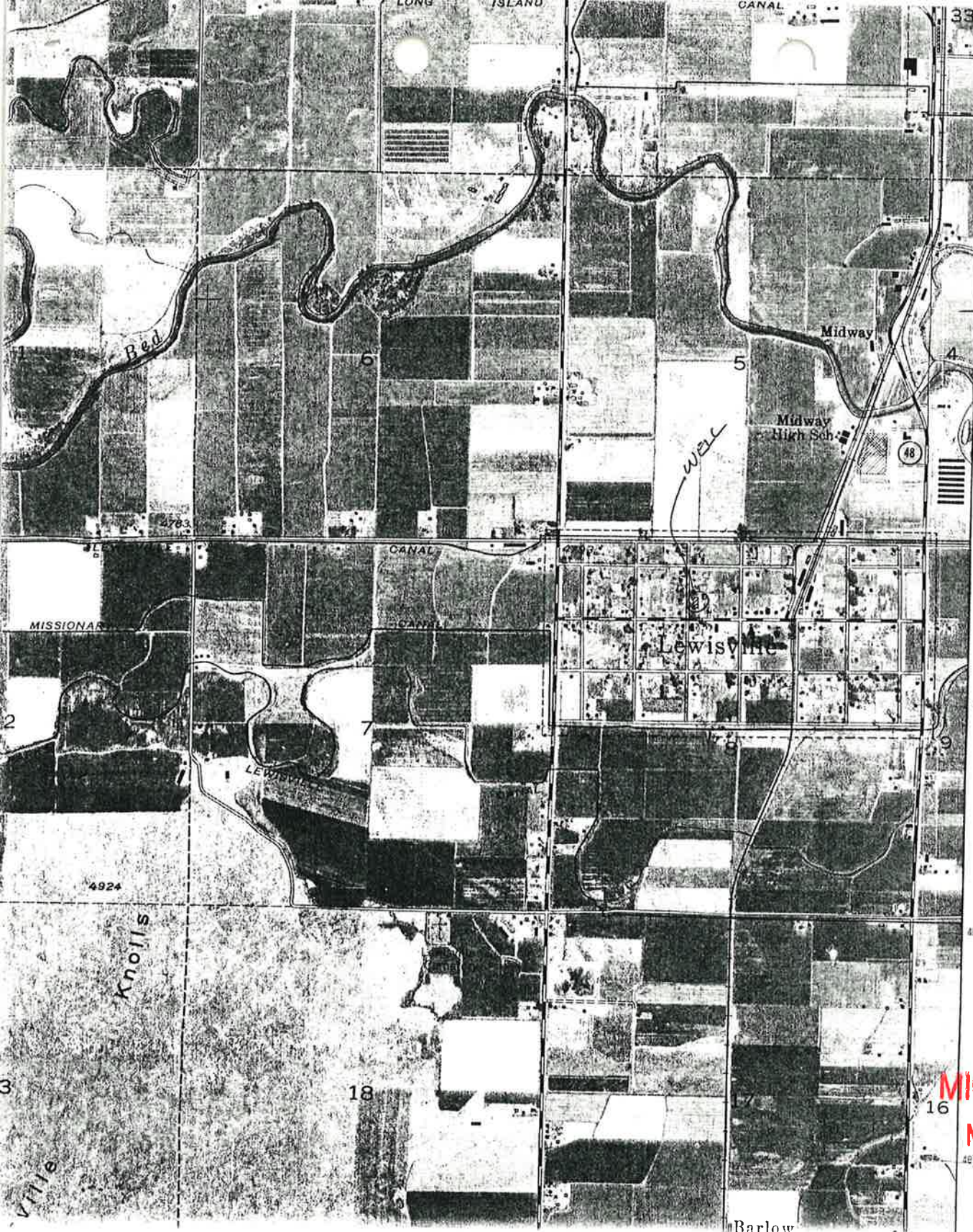
Date \_\_\_\_\_

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**NOV 11 1992**

Last Name Alvey Ident. Number A25-11479

Copies White-State, Yellow-Claimant



T5N  
T4N

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