

08/25/2004

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

RIGHT NUMBER: 25-14048
NAME AND ADDRESS: S DEAN BOYCE
3148 E 600 N
MENAN ID 83434

SOURCE: UNNAMED POND TRIBUTARY: SINKS

QUANTITY: 0.360 CFS

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION:

T04N R37E S2 NENW Lot 3 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R37E S02 Lot 3 NENW 18.0

18 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: Beneficial Use

Use of this right is combined with water from Long Island Irrigation Co.

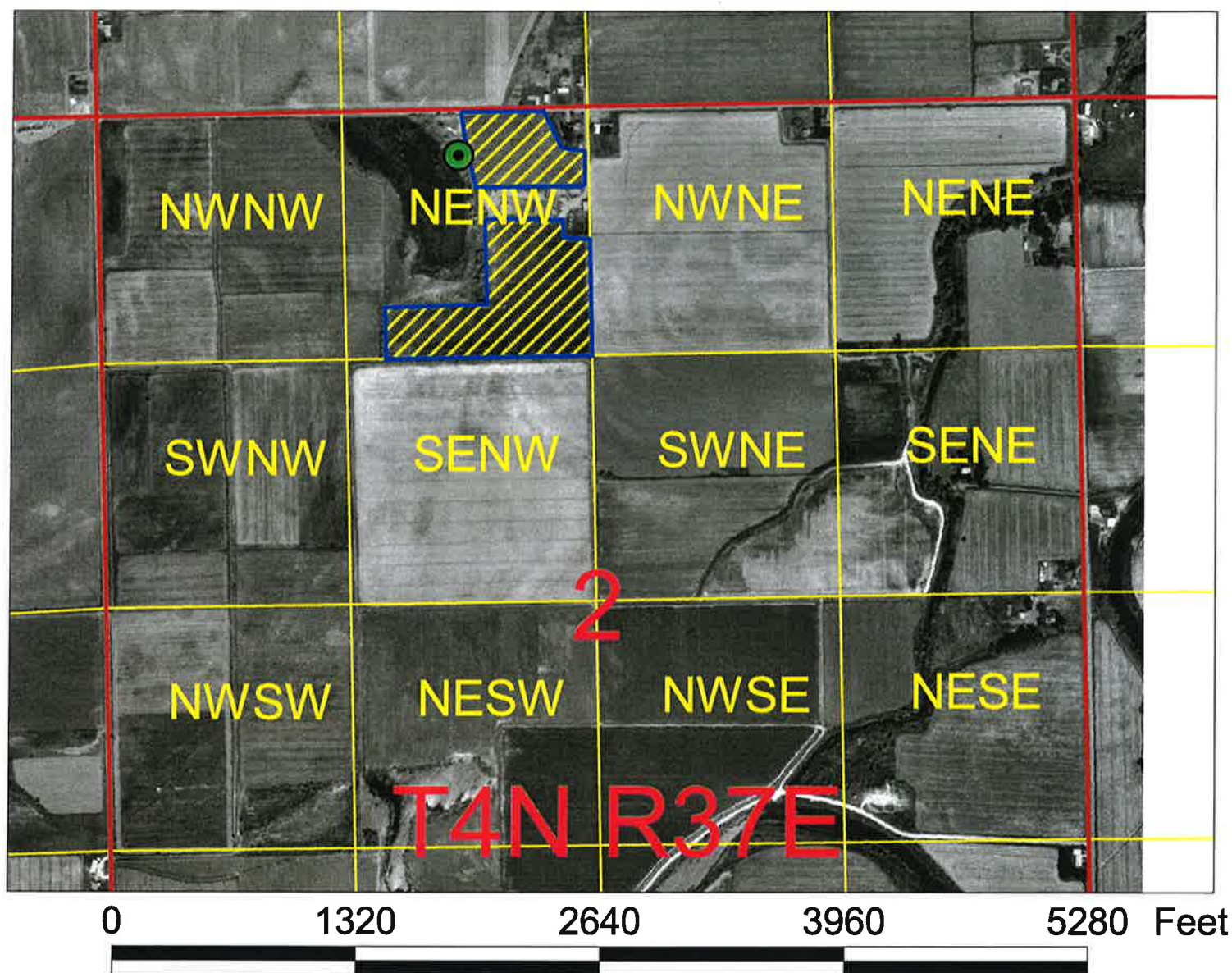
PROFILED

SCANNED
OCT 15 2004

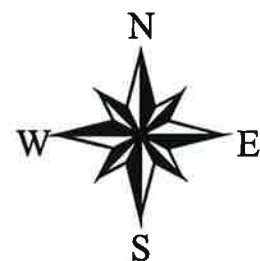


Department of Water Resources

Claim No.: 25-14048



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- Point of diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: August 2004

To whom may Concern:

I witness use of water over,
the years from Pond on Boyce
Property. Starting in early 50's

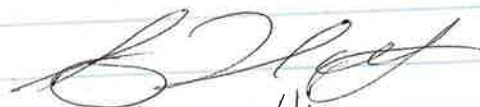
Dated August, 19 of 2004

by Clyde Boyce

State of Idaho
County of Jefferson

On August 19, 2004 personally appeared
before me Clyde Boyce, whose identify
I verified on the oath of Dean Boyce, a
credible witness, to be the signer of the
above and he acknowledged that he
signed it.




Notary public

My commission expires
August 22, 2008

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August 19, 2004

Water Resources Department
Eastern District Office
900 N Skyline Drive
Idaho Falls, ID 83402

To Whom It May Concern:

I have lived along the road 3200 E in Menan, Idaho in Jefferson County for 75 years.
It runs north and south and is ½ mile east of Dean and Carol Boyce's home.

Dean and Carol Boyce have lived at 3148 E 600 N for the last forty-nine to fifty years.
They have pumped water out of the pond just west of their home for most of those years.

Thank You,

Robert W. Ernes

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STATE OF IDAHO)

COUNTY OF

Jefferson

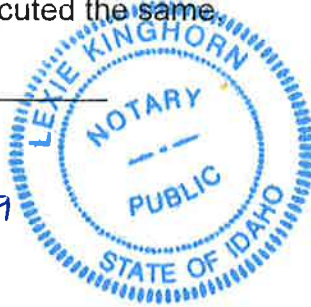
)ss.
)

On this 19th day of August, in the year of 2004, before me the undersigned, personally appeared Robert W. Eames, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same.

Notary Public of Idaho

Residing at: Lewisville, Id.

Commission Expires: 1-13-2009



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037

P/D E 654/25

N 291194

P/D from Drake River

9/2/2003

25-257/25-14048

Plot w/ Dean Boyce. He corrected POU map. I made further corrections based on my field exam. Dean said that the acreage in section 3 was not irrigated until after the transfer #240. Before the transfer ground in NE NW of section 2 was being irrigated w/ Spring Creek water. Plot 00 can also be irrigated by Long Island Canal. Water carried via the lower lateral ditch.

No ground in the NESE of section 3 has been irrigated from the river. Pump some shortly after the transfer. No ground in the NW of section 2 which was formerly irrigated by Spring Creek water has been irrigated with a PTO pump from a spring for 40 years according to claimant. However that P/D has not been claimed. See plots for GPS coordinates.

It appears that an enlargement of about 16 acres has occurred here.

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9/2/2003

Dean Boyce

FTO pump to ditch, Ohio P/D has not yet been claimed.

038 N 292002 E 655091

4N 37E 2 NW NW NW

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July 22, 2004

S DEAN BOYCE
3148 E 600 N
ROBERTS ID 83444

Dear Mr. Boyce:

The Notice(s) of Claim to a water right identified in the attached proof report(s) has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based upon "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 your claimed priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should 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, enclosed is a printout of your Notice of Claim to Water Right and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents may 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 are currently being 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.
.....

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Please submit the documentation supporting the priority date within 10 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 at 525-7161.

Respectfully submitted,

Michael Holliday
Water Resource Agent
Adjudication Bureau

cc: File

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

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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 25-14048
Date Received: 3/18/2004
Receipt No: E029682
Received By: *lm*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

S DEAN BOYCE Phone: (208) 754-4385

3148 E 600 N
ROBERTS ID USA 83444

2. Date of Priority: 06/01/1952

3. Source: SPRINGS ON LAND Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	37E	2	NE NW 3	JEFFERSON	

5. Description of diverting works:

pump from slough to flood irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.36	

7. Total Quantity Appropriated is:
0.36 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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04N 37E 2 NE NW 3 IRRIGATION 18
Section Acres 18
Total Acres 18

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:

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): x Dean Bayce Date: Mar 18th 04
_____ Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18th
of March 2004

Jennifer Crabtree
Notary Public

Residing at Idaho Falls, Id
My commission Expires 9/23/09

