

06/17/2004

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

RIGHT NUMBER: 25-10009

NAME AND ADDRESS: ROXINE STONE
PO BOX 591
IDAHO FALLS ID 83405-0591

JOHN B STONE
PO BOX 591
IDAHO FALLS ID 83405

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 06/01/1963

POINT OF DIVERSION:

T02N R38E S8 SESENE Within BONNEVILLE County
T02N R38E S8 SESENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE:

DOMESTIC Within BONNEVILLE County

T02N R38E S08 SENE

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.

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

EXPLANATORY MATERIAL: Beneficial Use

Water Right 25-10009

SCANNED

1

NOV 05 2004

PROFILED

624-0200

options

per Ernie,

- A) If we can est. that the wells were in use prior to 1963, we may be able to recommend an accomplished change in nature of use if determined to be less than $\frac{1}{2}$ ac of lawn w/ GPS and we have evidence of the former use
- B) other option is to file appl for permit, since use est previous to 1987

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NOV 05 2004

AUG 01 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: A25-10009
Date Received: 4/18/1988
Receipt No: E000114

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN STONE 208-357-5224
Address: BOX 591
IDAHO FALLS, ID 83405

AND/OR
Name: ROXINE STONE
Address: IDAHO FALLS, ID 83405

2. Date of Priority: JUN 01, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	38E	8	NE	SE			BONNEVILLE

5. Description of diverting works:
TWO WELLS WITH LINES TO THREE COMMERCIAL ENTERPRISES

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

A25-10009

Page 1

Date: 04/18/88

A2510009



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NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	38E	8	NE SE		COMMER	

11. Place of use in counties: BONNEVILLE

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
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Rafine Stone Date: 4-18-88

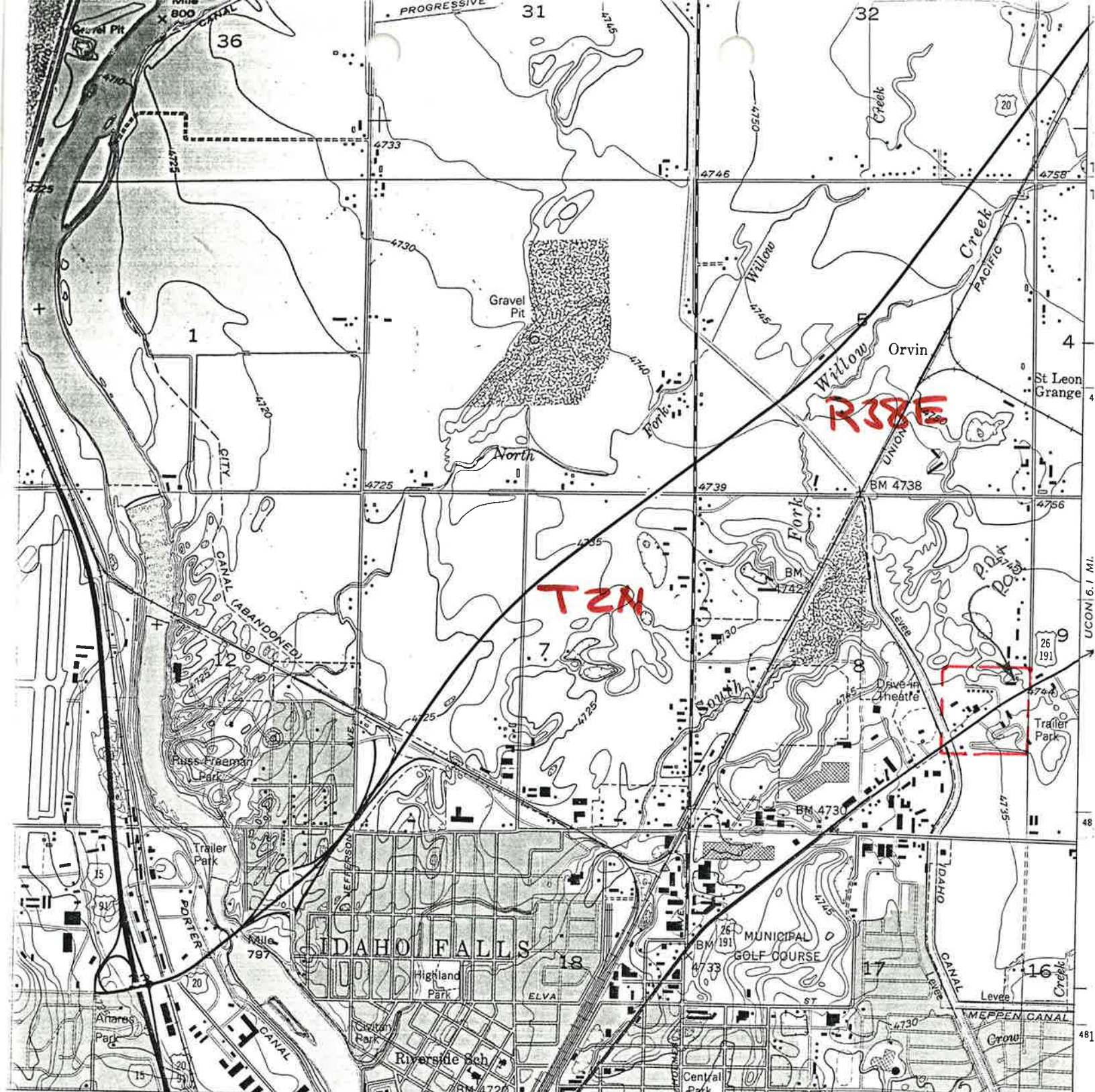
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of April 19 88 Colleen Gray
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 5/29/1991



1:24000

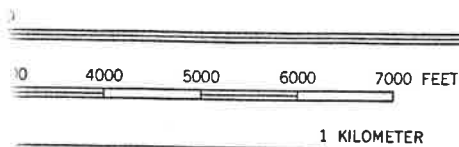
1415 R. 37 E.
BLACKFOOT 23 MI.
POCATELLO 52 MI.

2'30" R. 38 E.

SHELLY 9.4 MI.
POCATELLO 51 MI.

INTERIOR GEOLOGICAL SURVEY, RESTON, VIRGINIA—1980
418000m.E.

112°00'



VERTICAL DATUM OF 1929

NATIONAL MAP ACCURACY STANDARDS

POCATELLO, COLORADO 80225, OR RESTON, VIRGINIA 22092
SYMBOLS IS AVAILABLE ON REQUEST

Revisions shown in purple compiled from aerial photographs
taken 1976 and other source data. This information not
field checked. Map edited 1979

Purple tint indicates extension of



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Heavy-duty ————— Light-duty —————
Medium-duty ————— Unimproved dirt =====
Interstate Route U.S. Route

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IDAHO FALLS NORTH, IDAHO

N4330—W11200/7.5

1948

PHOTOREVISED 1979

MT

06/17/2004

**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: 25-10009

ROXINE STONE

PO BOX 591

IDAHO FALLS ID 83405-0591

Telephone Number: (208)357-5224

JOHN B STONE

PO BOX 591

IDAHO FALLS ID 83405

Telephone Number: (208)357-5224

RECEIVED
SEP 14 2004
Department of Water Resources
Eastern Region

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

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

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

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

DATE: 9-3-04 SIGNATURE: Roxine Stone

Please print your name: _____

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

SCANNED
SEP 17 2004

PROFILED



8/15/2003 pic 1778

SCANNED

NOV 05 2004

PROFILED



8/15/2003 pic 1779

SCANNED
NOV 05 2004
PROFILED

8/15/2003

25-10009

1 1/2 ac grass + 10,000 sq ft of office space
2000 sq ft of shop

40 employees, culinary use.

Talked with Roxine regarding 6/1/1963
priority date. She thought that the
wells were there previous to that and
will try to find evidence of priority.
She said that before they bought the
place in 1981, the wells were used for
stockwater and a small home. She has
shares in Progressive for the place but
the ditch no longer exists.

Explained that she may be limited to 2500 GPD

1st well 025

N 270637

E 661373

pic 1779

2nd well 026

N 270588

E 661363

pic 1778

9/22/2003 Have Roxine an appl. for permit.
She is probably going to send me evidence for
a 1981 priority date and settle for 2500 GPD,
because she can't come up w/ pre-1963 EOP.

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NOV 05 2004

SCANNED

AUG 01 2001

RECEIVED

MAY 22 1991

Department of Water Resources
Eastern District Office

May 21, 1991

State of Idaho
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

NOTICE OF CLAIM A25-10009 02N 38E 8 NE SE Bonneville County

Re: Evidence of Priority

We purchased the above mentioned property in 1981, at that time it had two wells on it. I have spoken with Otto Gneiting, the previous owner who has indicated to me that he has knowledge of these wells in use as early as 1963.

Signed



Roxine Stone, Current owner

State of Idaho
Bonneville County

This is to certify that on this 21 day of May 1991 before me, the undersigned notary public duly commissioned and sworn, personally appeared Roxine Stone to me known to be the individual described in and who executed the foregoing instrument.

In witness whereof I have hereunto set my hand and affixed my official seal on the day and year in this certificate above written.


Notary public in and for the State of
Idaho, Bonneville County

May commission expires:

4/93

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NOV 07 1992

April 25, 1991

NOTICE OF CLAIM A25-10009

John and/or Roxine Stone
Box 591
Idaho Falls, Id 83405

RE: **Evidence of Priority**

Dear Mr. Stone:

The Notice(s) of Claim identified with the number shown above you name has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) 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(s) 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(s) have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice(s) be decreed by the court if no evidence of a priority date is submitted.

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John Stone
Roxine Stone

Page 2

Please submit the required evidence supporting the priority date(s) by **May 28, 1991**, referencing all documents with the corresponding Notice number(s). 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

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NOV 07 1992

Water Right Number - A25-10009

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

STONE

JOHN

1 - BOX 591

2 -

3 -

City- IDAHO FALLS

State- ID Zip- 83405

Phone - 208-357-5224

STONE

ROXINE

1 -

2 -

3 -

City- IDAHO FALLS

State- ID Zip- 83405

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/01/1963 Error in Region J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

02N 38E 8 NE SE (19) BONNEVILLE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.040+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 38E 8 NE SE 10 COMMERCIAL (19) BONNEVILLE

+ - - Diversion Means - TWO WELLS WITH LINES TO THREE COMMERCIAL ENTERPRISES

+ - - Non-Irrigation Use - COMMERCIAL

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.W
F
E
L
D
O
N
O
T
D
O

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	04/18/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	E000114	Federal/State Indicator	-	S
Claims Tape Error Flg	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-	AND/OR			

COLLOID