

08/16/2001

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

RIGHT NUMBER: 29-10745

NAME AND ADDRESS: DALE B KIRKHAM JR
8503 BUCKSKIN RD
POCATELLO, ID 83201

DALE B KIRKHAM
PO BOX 4026
POCATELLO, ID 83201

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
2,500 GALLONS PER DAY.

PRIORITY DATE: 06/01/1953

POINT OF DIVERSION: T07S R35E S8 SESWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01-01 12-31	0.04 CFS

PLACE OF USE:

COMMERCIAL Within BANNOCK County
T07S R35E S8 SWNW

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: BASIS OF CLAIM - Beneficial Use

PARCEL NO: R4013003600

02/13/2003

Craig

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: April 21, 2003

Water right number: 29-10745

DALE B KIRKHAM
PO BOX 4026
POCATELLO ID 83201
Telephone Number: (208)232-6886

DALE B KIRKHAM JR
8503 BUCKSKIN RD
POCATELLO ID 83201
Telephone Number: (208)233-1463

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:

Feb 21, 03

SIGNATURE:

Dale B. Kirkham Jr

Please print your name:

DALE B. KIRKHAM JR

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

RECEIVED

FEB 28 2003

Idaho Department of Water Resources
Regional Office

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10745 V1

WATER RIGHT NUMBER: 29-10745 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALE B KIRKHAM PO BOX 4026 POCATELLO, ID 83201 (208)232-6886
Current Owner	DALE B KIRKHAM JR 8503 BUCKSKIN RD POCATELLO, ID 83201 (208)233-1463

Priority Date: 06/01/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NW1/4	Sec. 8, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseCOMMERCIAL Within BANNOCK County

T07S R35E S08 SWNW

Total Acres: 0

Conditions of Approval:

1. 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.
2. N06 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory PARCEL NO: R4013003600

Comments:

1. csaxton 8/16/01 Diversion Rate

Comment: Diversion Rate Reduced. Spoke with Claimant on 8/15/01 and he said that the only reason he claimed 0.08 cfs was because that is what he was told to do. He confirmed that his wells do not have the capacity to pump that much.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10745 V1

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

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>
Contacts	8/10/01 1:13:02 PM	csaxton			Active
Priority Date	8/10/01 1:13:20 PM	csaxton			Active
POD	8/10/01 1:13:30 PM	csaxton			Active
Source	8/10/01 1:13:44 PM	csaxton			Active
POU	8/10/01 1:13:56 PM	csaxton			Active
Use	8/10/01 1:14:08 PM	csaxton			Active
Season	8/10/01 1:14:37 PM	csaxton			Active
Quantity	8/10/01 1:15:15 PM	csaxton			Active
Summary	8/10/01 1:29:58 PM	csaxton	8/10/01 1:29:58 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	8/10/01 1:14:05 PM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Contacts	8/10/01 1:13:01 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Been in contact with claimant on several occasions.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10745 V1

Priority Date	8/10/01 1:13:18 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use. 10. (YES) The claim file contains sufficient evidence of priority date. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/10/01 1:13:28 PM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
Source	8/10/01 1:13:42 PM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Source. 7. (YES) The file contains all of the necessary information to verify the source. 8. (NO) The source is not surface water. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/10/01 1:13:54 PM	csaxton	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Season	8/10/01 1:14:35 PM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (NO) Irrigation is not the purposed use. Comment for 13: Year round for commercial 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10745 V1

Quantity	8/10/01 1:15:13 PM	csaxton	1. (YES) The basis of claim is beneficial use. 5. (NO) A flow measurement was not required. Comment for 5: Limited to under 2500 gallons per day. 6. (YES) The source is ground water and the purpose of use requires a diversion volume limit. 8. (NO) Irrigation is not a purpose of use. Comment for 8: Limited to under 2500 gallons per day. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	8/10/01 1:29:56 PM	csaxton	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POD	8/10/01 2:13:15 PM	csaxton	Edited polygons
POD	8/10/01 2:14:38 PM	csaxton	Edited point location

Dale B. Kirkham
Dale B. "Kirk" Kirkham Jr.
Box 4026
Pocatello, Idaho
83201

RECEIVED

JUN 14 2001

Department of Water Resources
Eastern Region

Rolling Rock
stop

Craig L. Saxton
Water Resource Agent
Adjudication Bureau
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho
83402-1718

Dear Craig,

June 11, 2001

I am writing you in reference to water right number 29-10745. We call this parcel of property 4508 Old Hiway 91, or the old Clark Tank Line Building. We purchased the property in 1979. My father, Dale, has as much experience as a neighbor in the area as anyone alive today. Dale began purchasing property in the area in 1959 and has owned land in the area since then.

He recalls that the property was developed in phases and was a truck stop called Frontier Truck stop. It was built in 1953 and they ran the city sewer line out to accomidate the facility at that time. The well was drilled and used for the water needs. A house was built up the hill from the truck stop. The well at the house had very little water, but the well at the truck stop was a good one. The well at the shop next door that Dale purchased in 1959 was poor and he always kept his eye on the truck stop in order to get the well. Dale purchased the house on the hill above the truck stop and 7 of the 9 acres that was the original Frontier Developement in 1960.

Dale purchased the remaining 2 acres and the Truck stop in 1979 and has owned it since then. The first thing that he did was run water lines from the well at the truck stop to the shop next door and the house on the hill.

The truck stop went out of business in 1960 and Clark Tank Lines purchased the property and continued to use the well in question. Dale continued to use the well after he purchased the property in 1979. We have enclosed a newspaper clipping that indicates that Clark tank line has been there since 1960.

We have enclosed a copy of the escrow agreement on the purchase of the property next to this parcel to establish Dale's personal knowledge of the area and the well in question.

Based on this letter from Dale Kirkham as a neighbor since 1959 and his personal knowledge of the well there, we would like to claim a priority date of 6/1/1953.

Thank you for your consideration,

Dale and Kirk Kirkham

Dale B. Kirkham
Kirk Kirkham

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 29-10745

Owner Type
Current Owner

Name and Address
DALE B KIRKHAM JR
8503 BUCKSKIN RD
POCATELLO, ID 83201
(208)233-1463

Current Owner

DALE B KIRKHAM
PO BOX 4026
POCATELLO, ID 83201
(208)232-6886

Frontier Truck stop
CLARK TANK line

Priority Date: 06/01/1953
Basis: Beneficial Use
Status: Active

TAX #
R401300.3600

Source
GROUND WATER

Tributary to

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	1/01	12/31	0.08 CFS		
Total Diversion			0.08 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWNW Sec. 08 Township 07S Range 35E BANNOCK County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	35E	8		SWNW										

Remarks:

1. General WATER USE IS FOR LESS THAN 2500 GAL PER DAY.

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Other Information:

Receipt Number(s): E012536
State or Federal: S
Owner Name Connector: OR

ESCROW AGREEMENT

TO: LARGILLIERE COMPANY BANKERS
SODA SPRINGS, IDAHO

WHEREAS, HARRY W. RHEAD AND ORA MAE RHEAD, OF SODA SPRINGS, IDAHO, HAVE ENTERED INTO A REAL ESTATE AGREEMENT WITH DALE B. KIRKHAM AND BODELL S. KIRKHAM, OF POCA TELLO, IDAHO, WHEREBY THE RHEADS ARE SELLING CERTAIN PROPERTY IN BANNOCK COUNTY, IDAHO, TO THE KIRKHAMs, AND

WHEREAS, HARRY W. RHEAD AND ORA MAE RHEAD HAVE SOLD AND ASSIGNED THEIR INTEREST IN SAID CONTRACT TO ONE JOHN W. LAURITSON, OF SODA SPRINGS, IDAHO, AND

WHEREAS, THERE ARE THREE (3) SEPARATE PARTIES (AND THEIR SPOUSES) TO THIS ESCROW AGREEMENT, TO-WIT:

- (1) THE VENDORS, HARRY W. RHEAD AND WIFE;
- (2) THE VENDEES, DALE B. KIRKHAM AND WIFE;
- (3) THE ASSIGNEE OF VENDOR, JOHN W. LAURITSON;

NOW, THEREFORE, THE UNDERSIGNED VENDORS, VENDEES AND ASSIGNEE HERewith DELIVER TO YOU, THE LARGILLIERE COMPANY BANKERS, OF SODA SPRINGS, IDAHO, IN ESCROW THE DOCUMENTS AND PROPERTY HEREINAFTER DESCRIBED TO BE HELD AND DISPOSED OF BY YOU IN ACCORDANCE WITH THE INSTRUCTIONS AND UPON THE TERMS HEREIN SET FORTH, AND NOT OTHERWISE, TO ALL OF WHICH THE UNDERSIGNED AND THE BANK HEREBY AGREE. SAID DOCUMENTS AND PROPERTY ARE DESCRIBED AS FOLLOWS:

REAL PROPERTY:

COMMENCING AT THE WEST 1/16 CORNER OF SEC. 8, T 7 S, R. 35 EBM, THENCE N. 0°-05' E. ALONG THE WEST 1/16 LINE OF THE SAID SEC. 8, 235.1 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE OLD OREGON TRAIL HIGHWAY, THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 5,690 FEET AND A CENTRAL ANGLE OF 4°-52', 23.6 FEET; THENCE N. 59°-34' E. 940 FEET ON A LINE PARALLEL TO AND 50 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES TO THE C. L. YELTON PROPERTY LINE, THENCE S. 44°-32' E. 407.7 FEET TO THE NORTHERLY CORNER OF MERRIDELL PARK; THENCE S. 42°-58' W. ALONG THE NORTHWESTERLY LINE OF MERRIDELL PARK 300 FEET; THENCE S. 59°-34' W. 615 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE OLD OREGON TRAIL HIGHWAY; THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY LINE 141.96 FEET; THENCE CONTINUING IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY LINE AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 5,690 FEET AND A CENTRAL ANGLE OF 4°-52', 334.44 TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND IS PART OF SEC. 8, T. 7 S., R. 35 EBM, AND CONTAINS 10.0 ACRES, MORE OR LESS.

REAL ESTATE AGREEMENT, DATED DEC. 13, 1958, BETWEEN HARRY W. RHEAD AND WIFE, AS VENDORS, AND DALE B. KIRKHAM AND WIFE, AS VENDEES.

ASSIGNMENT OF REAL ESTATE AGREEMENT, EXECUTED BY HARRY W. RHEAD AND ORA MAE RHEAD, ON MARCH 23, 1959, TO JOHN W. LAURITSON.

WARRANTY DEED, DATED MARCH 23, 1959, EXECUTED BY HARRY W. RHEAD AND ORA MAE RHEAD TO DALE B. KIRKHAM AND BODELL S. KIRKHAM.

QUIT CLAIM DEED, DATED MARCH 23, 1959, EXECUTED BY HARRY W. RHEAD AND WIFE TO JOHN W. LAURITSON AND VIOLA LAURITSON.

QUIT CLAIM DEED, DATED MARCH 23, 1959, EXECUTED BY JOHN W. LAURITSON AND VIOLA TO DALE B. KIRKHAM AND WIFE.

AND YOU, THE ESCROW AGENT, ARE HEREBY AUTHORIZED AND DIRECTED TO DELIVER THE ABOVE DESCRIBED DOCUMENTS AND PROPERTY TO THE VENDEE, DALE B. KIRKHAM AND WIFE, OF POCA TELLO, IDAHO, UPON PAYMENT TO YOU, AT THE ADDRESS ABOVE SPECIFIED, FOR THE GRANTOR'S ASSIGNEE, OF THE TOTAL SUM OF \$6,500.00 (LESS 3 OF THE REGULARLY SCHEDULED MONTHLY PAYMENTS, WHICH WILL HAVE BEEN MADE PRIOR TO THE SATISFACTION OF THIS ESCROW); AND IT IS UNDERSTOOD THAT THE GRANTEE WILL PAY PRINCIPAL (LESS THE THREE PAYMENTS MADE TO DATE) TO THE ESCROW HOLDER AS

VIOLA LAURITSON, VC

proof
that
Khan
is been
neighbor
nce
159

STATE OF IDAHO)
: ss.
COUNTY OF CARIBOU)

ON THIS 29TH DAY OF APRIL, 1959, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED HARRY W. RHEAD, DALE B. KIRKHAM, BODELL S. KIRKHAM, JOHN W. LAURITSON AND VIOLA LAURITSON, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING 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 IN THIS CERTIFICATE WRITTEN.


NOTARY PUBLIC FOR IDAHO
RESIDING AT SODA SPRINGS, IDAHO

(SEAL)

THE UNDERSIGNED BANK, LARGILLIERE COMPANY BANKERS, OF SODA SPRINGS, IDAHO, HEREBY ACKNOWLEDGES RECEIPT OF THE DOCUMENTS AND PROPERTY DESCRIBED IN THE FOREGOING AGREEMENT, AND AGREES TO HOLD AND DISPOSE OF THE SAME IN ACCORDANCE WITH THE INSTRUCTIONS AND UPON THE TERMS AND CONDITIONS ABOVE SET FORTH.

DATED AT SODA SPRINGS, THIS THE 30 DAY OF APRIL, 1959.

LARGILLIERE COMPANY BANKERS, A CORP.

BY:


OFFICER

TITLE OF OFFICER:

Asst. Cashier

TRUCKING FIRM FILES FOR BANKRUPTCY

Clark Tank Lines Closes Operations

Clark Tank Lines Inc., a specialty trucking firm that has operated a terminal in Pocatello for about 35 years, was forced to shut down its Idaho operations after the Salt Lake City-based company filed for Chapter 11 bankruptcy last Friday.

The Clark Tank Line closure comes within days of Maxway Trucking's shutdown of its four Idaho terminals.

A Clark employee, who was "forwarding calls" Tuesday at the firm's Pocatello terminal on South Fifth, estimated that it employed about 60 employees during its peak five or six years ago and ran as many as 40 trucks out of here.

When it closed, Clark Tank Lines employed about 10 workers and operated six trucks in Pocatello, he said.

"I believe everybody knew it was coming,

they just didn't know when," the veteran employee said, asking that he not be identified.

He charged that Clark's Teamster employees are still owed vacation benefits and a month's pay in back wages. About six months ago, the company had about 30 terminal employees in Pocatello, Burley and Boise.

The Pocatellan guesses that five trucking firms have closed in Pocatello in recent months. Last year, Wycoff Trucking Inc. shut down its terminal and ANR/Garrett drastically reduced its operations here.

"Deregulation is a big factor for everything going down the tube. I don't care what the government says," the Clark Tank Lines employee said. "There's nothing to protect the investment. It's all a price war."

The man conceded there is a demand for

Clark's specialty of hauling chemicals, fuel and fertilizer, but, to reduce costs, customers have hired "every farmer and gypo in town" to transport the bulk commodities. He criticized the City of Pocatello and Bannock County for not supporting local trucking firms.

"It's not Pocatello's fault we went broke, but Pocatello didn't keep us here, either," he said, adding that he didn't know Clark officials were even considering bankruptcy.

Clark Tank Lines first located at the Pocatello airport before moving to its South Fifth location. The employee said it has operated out of the Gate City since 1960.

Dale Kirkham, a Pocatello businessman who leased the terminal property to Clark Tank Lines, said the firm owes him \$14,000 in back rent.

wrong
Clark
was there
in 1960.

JUN 15 2001

May 22, 2001

29-10745, 29-10750, 29-10754, 29-10756, 29-10758
DALE B KIRKHAM
PO BOX 4026
POCATELLO ID 83201

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the 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. 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 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.

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 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 items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 22, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 29-10745, 29-10750, 29-10754, 29-10756, 29-10758

May 22, 2001

29-10745, 29-10750, 29-10754, 29-10756, 29-10758
DALE B KIRKHAM JR
8503 BUCKSKIN RD
POCATELLO ID 83201

RE: EVIDENCE OF PRIORITY

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Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 29-10745, 29-10750, 29-10754, 29-10756, 29-10758

JUN 15 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: A29-10745
Date Received: 3/26/1990
Receipt No: E012536
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE B. KIRKHAM 208-232-6886
Address: P.O. BOX 4026
POCATELLO, ID 83201

OR

Name: DALE B. KIRKHAM, JR. 208-233-1463
Address: 8503 BUCKSKIN ROAD
POCATELLO, ID 83201

A2910745



2. Date of Priority: JUN 01, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	8	SW	NW			BANNOCK

5. Description of diverting works:
WELL PUMP MAINLINE 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	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/COMMERCIAL BUILDING (BATHROOM & STEAM CLEANING)

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Date: 03/26/90

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NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	8	SW NW		COMMER	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
WATER USE IS FOR LESS THAN 2500 GAL PER DAY.

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): Dale B. Puthan Date: Mar. 26, 1990

Date: _____

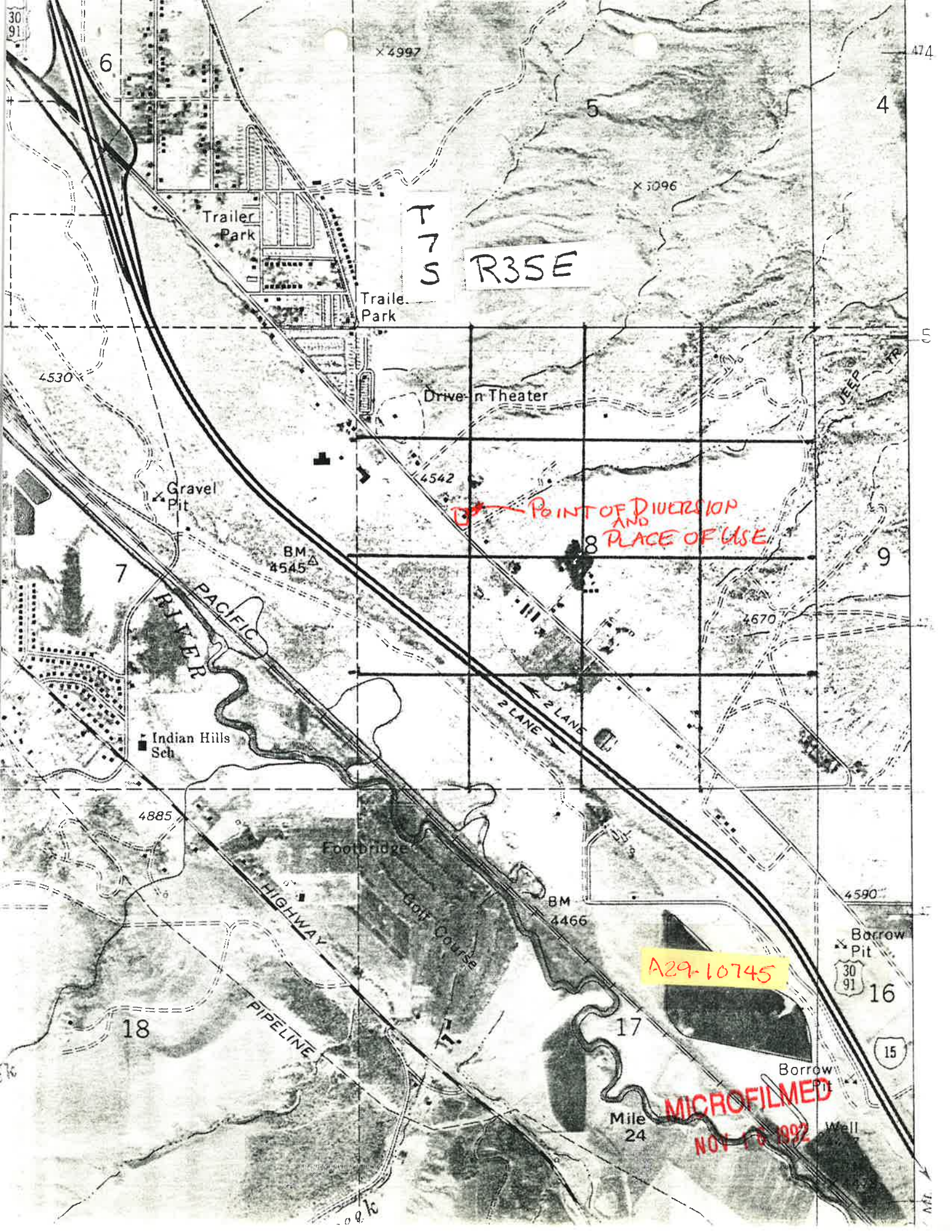
State of Idaho)
County of Bonneville) SS.

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

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
My Commission Expires RESIDING AT DAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94



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POINT OF DIVERSION
AND
PLACE OF USE

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