

06/22/2002

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: July 23, 2002

Water right number: 37-11203

SHARON L STACHOWICZ
1834 ELMWOOD RD
GOODING ID 83330
Telephone Number: (208)934-8663

JOSEPH A STACHOWICZ
1834 ELMWOOD RD
GOODING ID 83330
Telephone Number: (208)934-8663

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: 8 July 2002 SIGNATURE: Sharon L. Stachowicz
Please print your name: Sharon L. Stachowicz

IDWR State Office, PO Box 83720, Boise ID 83707-9815

05/06/2002

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

RIGHT NUMBER: 37-11203

NAME AND ADDRESS: SHARON L STACHOWICZ
1834 ELMWOOD RD
GOODING ID 83330

JOSEPH A STACHOWICZ
1834 ELMWOOD RD
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T06S R15E S5 SENWNE Lot 2 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: DOMESTIC Within GOODING County

T06S R15E S05 Lot 2 NWNE

STOCKWATER Within GOODING County

T06S R15E S05 Lot 2 NWNE

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

3-18-02



State of
DEPA
1301 North
Phone: (20

Joe Stachowicz called and left
message during the week March 11, 2002.
Returned call on March 18, 2002 and
left message. Told him that the
evidence of priority date was only
necessary if he irrigated more than
1/2 acre with his well.

37-11203
JOSEPH A STACHOWICZ
1834 ELMWOOD RD
GOODING ID 83330

RESPONSE DEADLINE
APRIL 12, 2002

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your 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, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. I will be conducting field examinations for the SRBA claims with a Ground Water source in your area in late March and early April. Since the priority date of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129. If you have multiple claims that require evidence of priority date, the labels with the identification numbers of the additional claims are attached below. Please submit evidence of the priority date for each of your beneficial use rights. Also, if there are multiple claimants of the claim at the same address, the additional claimants are identified on the labels attached below.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures

37-11203
SHARON L STACHOWICZ
1834 ELMWOOD RD
GOODING ID 83330

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: A37-11203

Date Received: 8/31/1988

Receipt No: C002412

Received By: *CJC HB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOSEPH A STACHOWICZ
Address: 1834 ELMWOOD ROAD
GOODING ID

83330

208-934-8663

AND/OR

Name: SHARON L STACHOWICZ
Address: 1834 ELMWOOD ROAD
GOODING ID

83330

208-934-8663

2. Date of Priority: APR 1, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	15E	5	SE	NW	NE		GOODING

5. Description of diverting works:
WELL - 200' DEEP, 3 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/01	11/01	0.030		

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

A.F.A.

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

D/1 HOME WITH LAWN AND GARDEN, S/10 HEAD

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	15E	5	NW		NE		DOMEST	
			NW		NE		STOCK	
			NW		NE		IRR	1.0
							Section Acres	1.0
							Total Acres	1.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE MADE 2/6/96 BY TLB.

15. Basis of Claim: BENEFICIAL USE



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

FEBRUARY 6, 1996

JOSEPH & SHARON STACHOWICZ
1834 ELMWOOD ROAD
GOODING ID 83330

RE: SRBA CLAIM(S) A37-11203

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

MICROFILMED
NOV 27 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

FEB 05 1996

Department of Water Resources
Southern Region

DATE OF CLOSING: 12-8-95

LEGAL DESCRIPTION OF PROPERTY: Township 6 South Range 15 East, B.M. Southern Region
Section 5, SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot N/A, BM.
Lot 15&16, Block, 1, Subdivision/Townsite Little Wood Villa, Gooding County.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A37-11203

☒ Name and Address of Former Owner/Claimant(s)(Seller):
Lonnie Leavell
Box #54

☒ New Owner/Claimant (Purchaser):
Gooding, Idaho 83330
Joseph A. Stachowicz &/or Sharon L. Stachowicz

☒ New Mailing Address:
1834 Elmwood Road
Gooding, Idaho 83330

☒ New Telephone Number: (208) 934 - 8663

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: Copy of the recorded Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Joseph A. Stachowicz Date 1/26/96
Sharon L. Stachowicz Date 1/26/96

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2/6/96 By: HLB

Claim Numbers of Split, if any:

MICROFILMED

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

For Value Received

Edouard Labat, a married man, dealing with his sole and separate property

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

Joseph A. Stachowicz And Sharon L. Stachowicz,
Husband And Wife.

the grantee(s), whose current address is

1834 Elmwood Road
Gooding, ID 83330

the following described premises, to-wit:

See Attached Exhibit "A"

16417A

STATE OF IDAHO COUNTY OF GOODING

FIRST AMERICAN TITLE

Filed for record at the request of

42 min. past 4 o'clock P.m. this 20th

of January, 1996 6:00

By Penny Watson Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: December 12, 1995

Edouard Labat
Edouard Labat

STATE OF CALIFORNIA

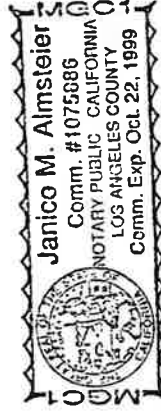
: ss

COUNTY OF Los Angeles

On This 12th Day of December 1995, in the year 1995, before me, a Notary Public in and for said State, personally appeared Edouard Labat, known or identified to me to be the person(x) whose name(x) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Janice Marie Almsteier
Notary Public of California
Residing at: Palmdale Calif
Commission Expires: 10-22-99



First American Title Company of Idaho

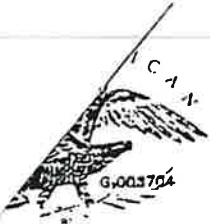


EXHIBIT "A"

TRACT I

Part of Lot 15, Little Wood Villa, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 15;
Thence North 0°06'24" East, 45.00 feet along the Westerly boundary of Lot 15 to the
TRUE POINT OF BEGINNING;
Thence South 89°54'51" East, 184.00 feet;
Thence North 0°06'24" East, 36.70 feet;
Thence South 89°54'51" East, 6.00 feet;
Thence North 0°06'24" East, 62.30 feet;
Thence North 89°54'51" West, 190.00 feet to the Westerly boundary of Lot 15;
Thence South 0°06'24" West, 99.00 feet to the TRUE POINT OF BEGINNING.

TRACT II

Part of Lots 15 and 16 and vacated road between Lots 15, 16, 17, and 18 of Little Wood Villa, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 15;
Thence North 0°06'24" East, 45.00 feet;
Thence South 89°54'51" East, 184.00 feet;
Thence North 0°06'24" East, 36.70 feet;
Thence South 89°54'51" East, 6.00 feet to the TRUE POINT OF BEGINNING;
Thence North 0°06'24" East, 62.30 feet;
Thence South 89°54'51" East, 117.23 feet to the Easterly boundary of Lot 15;
Thence South 0°06'24" West, 6.00 feet;
Thence East parallel with the Southerly boundary of Lot 16, 172.16 feet;
Thence South parallel with the East boundary of Little Wood Villa, 188.16 feet to the
Northerly boundary of Lot 17, said point being 141.07 feet Westerly of the
Northeast corner of Lot 17;
Thence Westerly 210.89 feet along the Northerly boundary of Lots 17 and 18;
Thence North 6°53' East, 127.81 feet;
Thence North 87°58' West, 89.00 feet to the TRUE POINT OF BEGINNING.

TOGETHER with the following described non-exclusive easement for access;

BEGINNING at the Southwest corner of Lot 15;
Thence North 0°06'24" East, 144.00 feet along the Westerly boundary of Lot 15 to the
TRUE POINT OF BEGINNING;
Thence South 89°54'51" East, 307.23 feet to the Easterly boundary of Lot 15;
Thence North 0°06'24" East, 25.00 feet;
Thence North 89°54'51" West, 307.23 feet to the Westerly boundary of Lot 15;
Thence South 0°06'24" West, 25.00 feet to the TRUE POINT OF BEGINNING.

MICROFILMED
NOV 27 1996



WARRANTY DEED

For Value Received

Alonzo B. Leavell

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Edouard Labat and Jacqueline Labat, husband and wife,

hereinafter referred to as Grantee, whose current address is

14823 E. Avenue F-10
Lancaster, CA 93534

the following described premises, to-wit:

See attached Exhibit "A", attached hereto and made a part hereof.

145681

STATE OF IDAHO, COUNTY OF GOODING

Recorded for record at the request of FIRST AMERICAN TITLE

31 min. past 10 o'clock A. M. this 31

July, 1991

JOHN A. MYERS, Recorder *filed:00*

Quinta Sain Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 25, 1991.

Alonzo B. Leavell
Alonzo B. Leavell

STATE OF IDAHO)
) : ss
COUNTY OF Gooding)

On This 25 day of July, in the year 1991, before me, a Notary Public in and for said State, personally appeared Alonzo B. Leavell and
, known or identified to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that they executed the same.



Susan M. Bolton
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10/16/92

First American Title Company of Idaho

FILED
JUL 27 1996

TRACT I

Part of Lot 15, Little Wood Villa, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 15;
 Thence North 0°06'24" East 45.00 feet along the Westerly boundary of Lot 15 to the TRUE POINT OF BEGINNING.
 Thence South 89°54'51" East 184.00 feet;
 Thence North 0°06'24" East 36.70 feet;
 Thence South 89°54'51" East 6.00 feet;
 Thence North 0°06'24" East 62.30 feet;
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 Thence South 89°54'51" East 184.00 feet;
 Thence North 0°06'24" East 36.70 feet;
 Thence South 89°54'51" East 6.00 feet to the True Point of Beginning;
 Thence North 0°06'24" East 62.30 feet;
 Thence South 89°54'51" East 117.23 feet to the Easterly boundary of Lot 15;
 Thence South 0°06'24" West 6.00 feet;
 Thence East parallel with the Southerly boundary of Lot 16, 172.16 feet;
 Thence South parallel with the East boundary of Little Wood Villa 188.16 feet to the Northerly boundary of Lot 17, said point being 141.07 feet Westerly of the Northeast corner of Lot 17;
 Thence Westerly 210.89 feet along the Northerly boundary of Lots 17 and 18;
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 Thence North 0°06'24" East 25.00 feet;
 Thence North 89°54'51" West 307.23 feet to the Westerly boundary of Lot 15;
 Thence South 0°06'24" West 25.00 feet to the True Point of Beginning.



Susan M. Bolton
 Notary Public for Idaho
 Residing at Gooding, Idaho
 Commission Expires: 10/16/92

First American Title Company of Idaho

NOV 27 1992

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: A37-11203

Date Received: 8/31/1988

Receipt No: 002412

Received By: JP 40

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LONNIE LEAVELL 208-934-8598
Address: BOX 54
GOODING, ID 83330

2. Date of Priority: APR 01, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	15E	5	SE	NW	NE		GOODING

5. Description of diverting works:
WELL - 200' DEEP, 3 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/01	11/01	0.030		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME WITH LAWN AND GARDEN, S/10 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	15E	5	NW	NE		DOMEST	

A37-11203

Page 1

Date: 08/31/88

MICROFILMED

FEB 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	15E	5	NW	NE		STOCK	
			NW	NE		IRR	1.0
						Section Acres	1.0
						Total Acres	1.0

11. Place of use in counties: GOODING

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

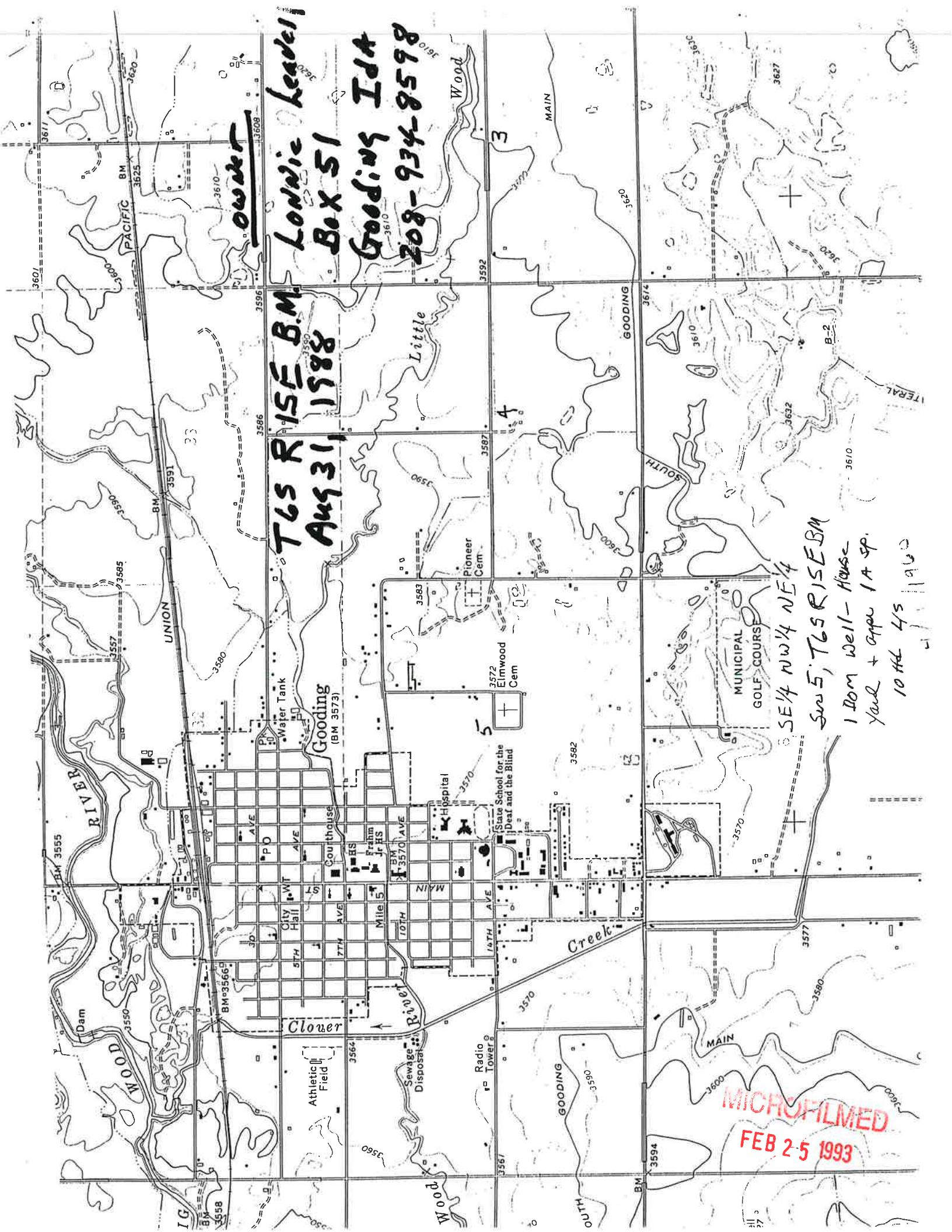
13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

(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.

MICROFILMED
FEB 25 1993



owner
Lonnie Leavel
Box 51
Gooding IDA
208-934-8598

T6S R15E B.M.
Aug 31, 1988

SE 1/4 NW 1/4 NE 1/4
S.W. 5, T6S R15E B.M.
1 Bon Well - House
Yard + approx 1A sp.
10 Hk 4's 1960

MICROFILMED
FEB 2-5 1993