

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: 37-12790

GEORGE A YERION
1840 S 1500 E
GOODING ID 83330
Telephone Number: (208) 934-9478

SUSAN F YERION
1840 S 1500 E
GOODING ID 83330
Telephone Number: (208) 934-9478

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:

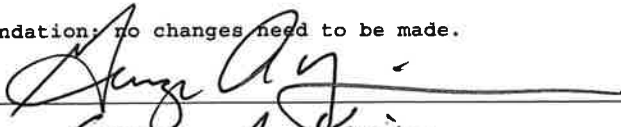
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

7/8/2002

SIGNATURE:



Please print your name:

George A. Yerion

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

04/12/2002

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

RIGHT NUMBER: 37-12790

NAME AND ADDRESS: GEORGE A YERION
1840 S 1500 E
GOODING ID 83330

SUSAN F YERION
1840 S 1500 E
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1930

POINT OF DIVERSION:

T06S R14E S3 SWSWNW 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	0.020 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: DOMESTIC Within GOODING County

T06S R14E S03 SWNW

STOCKWATER Within GOODING County

T06S R14E S03 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: Beneficial Use

George Yerion did extensive research in attempt to provide evidence of the priority date for the irrigation portion of this claim. He contacted the sons of two of the previous owners. He gathered information about the water use from the late 1940s to the present. His research showed that ground water was first used for irrigation in approximately 1974. Therefore, he has filed an application for permit for irrigation, and this claim will be recommended for domestic and stockwater purposes only.

CLF

4-12-02



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2002

37-12790
GEORGE A YERION
1840 S 1500 E
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

37-12790
SUSAN F YERION
1840 S 1500 E
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: A37-12790
Date Received: 8/26/1988
Receipt No: S002366
Received By: QV-H

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIVE ARDEN 208-934-8215
Address: 1840 S., 1500 E.,
GOODING, ID 83330

AND
Name: SYLVA H. POPE 208-934-8215
Address: 1840 S., 1500 E.,
GOODING, ID 83330

2. Date of Priority: DEC 31, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	3	SW	NW			GOODING

5. Description of diverting works:
2 WELLS, DEEPER WELL IS 220' DEEP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/50 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	3	SW	NW		DOMEST	
			SW	NW		STOCK	
			SW	NW		IRR	

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:
NOT SPECIFIED

14. Remarks:
6 SHARES OF BIG WOOD CANAL & AMERICAN FALLS WATER.
IDWR NOTE: NO CONSUMPTIVE USE INDICATED, VAGUE PLACE OF USE
FOR IRRIGATION WATER.

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 A37-12790Date Received 8-26-88Receipt Number 5002366

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Clive Arden and Sylva H. Pope Phone (208) 934 8215Mailing Address 1840 S 1500 East Gooding Zip 833302. Date of Priority (Only one (1) per claim) App. 19303. Source of water supply (a) Ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6 Range 14 Section 3,
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of _____ 1/4, Govt. Lot, _____ B.M., County of GoodingAdditional points of diversion if any: Supplemental well 100 ft from original

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

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. Original well for stock water and culinary
became too low in 1981 and we drilled an auxiliary well in May 1981
220 ft deep. This well is interchangeable with original well. We put in
small sprinkler and irrigate up to ~~5~~ ^{three} acres of ground.

MICROFILMED

FEB 26 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs) .07 (acre feet)

For Domestic purposes from Jan 11 to Dec. 31 amount 100 gal or .02 CFS

For Stock Water purposes from Jan 1 to Dec 31 amount 500 gal or .02 CFS

For Irrigation purposes from Mar 15 to Nov 15 amount or .2 CFS

For purposes from to amount or

7. Total quantity claimed (a) .24 (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.)

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	
6	14	3			/							NW 1/4							

Total number of acres irrigated Three

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

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

Big Wood Canal and American Falls Six Shares or None ()

14. Remarks:

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FEB 26 1993

Last Name Pope Arden Ident No.

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED

FEB 26 1993

Last Name _____ Ident No. _____

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) X Arden Pope Date AUG 25 1988
X Sylvia H. Pope Date AUG 25 1988

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 Gooding) SS.

Subscribed and sworn (or affirmed) before me this 25th day of August 19 88

SEAL

Notary Public Deanne Cheney

Residing at Gooding, Idaho

My Commission Expires 8-24-94

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 _____

Last Name Pope Arden Ident. Number _____

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FEB 26 1993
Copies White-State, Yellow-Claimant

8/01/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Pope

CLAIM IDENT. NO.

A37-12790

DATE RECEIVED

8-26-88

CK #

1237

AMOUNT \$

53.00

YES

NO

1. Is the name and address complete with zip code?

✓

2. Is priority date entered?

✓ ?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

✓

(b) Is a tributary to entered? (if required)

NA

4. Is the legal description of the p.d. complete?

✓

5. Is there a description of the diverting works?

✓

6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.

✓

Is the period of use included?

✓

Is a quantity claimed for each use?

✓

7. Is a total quantity claimed entered?

✓

8. Is the consumptive use correct?

✓

If required is a consumptive use entered?

✓

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

✓

10. Is (are) the place(s) of use entered?

✓

11. Is (are) the county(ies) entered?

✓

12. Is the ownership of p.u. checked?

✓

13. Are other water rights listed or "none" checked?

✓

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

NA

15. Is the basis of the claim checked?

✓

16. Is the claim signed by the claimant?

✓

Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

✓

Has the claim been signed, sealed, and dated by a notary?

✓

Is the fee enclosed correct?

✓

If this claim is based on an existing water right, has the identification number been entered?

N/A ✓

Should this claim be receipted and data entered?

✓

Claim checked by:

PT
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Comments:

Vague priority date, no consumptive place of use for irrigation vague.

334-7938