

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: **A37-04106**  
Date Received: 10/27/1988  
Receipt No: C003081  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: JOHN S CHAPMAN  
Address: PO BOX 3950  
HAILEY ID

83333

2. Date of Priority: JAN 1, 1941

3. Source: SPRING

Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 18E   | 32      | NE     | SW     |        |     | BLAINE |

5. Description of diverting works:

DIVERSION DAM FLOODING PASTURE AROUND BUILT UP DITCH IN SPRING

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/15 | 10/01 | 0.500 |      |        |

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 03N      | 18E   | 32      | NE     | SW     |     | IRR | 5.0   |
|          |       |         | NW     | SE     |     | IRR | 1.0   |

Section Acres 6.0

10. Place of Use: Continued

Total Acres                      6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-00521B&G/00522B&C/00523B&C/0833/0899/0913/02640/02507

14. Remarks:

6-17-98: ADDRESS CHANGE PER NOTICE REC'D 4-7-98 - VH

15. Basis of Claim: BENEFICIAL USE

37-02409 Sent to G. Johnson 6/16/98 DJF



IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION  
1341 FILLMORE ST STE 200  
TWIN FALLS ID 83301-3380  
(208) 736-3033

PHILIP E BATT  
GOVERNOR

KARL J DREHER  
DIRECTOR

### CHANGE IN ADDRESS

- ☐ Water Right Number(s): A37-04106 - A37-11999 - A37-02507B  
A37-02640B - A37-00522J - A37-00523G  
A37-00833<sup>R</sup> A37-00899<sup>R</sup>A A37-12001  
A37-00521L + 37-02409  
WR
- ☐ Old Mailing Address: P.O. Box 744  
San Valley, Idaho 83353
- ☐ New Mailing Address: P.O. Box 3950  
Hailey, Idaho 83333
- ☐ New Telephone Number: ( ) -
- ☐ Signature of Claimant(s): *John A. Chapman*
- Date: 4/6/98

|                               |     |
|-------------------------------|-----|
| 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:                         | By: |

(1)

RECEIVED

APR 07 1998

Department of Water Resource  
Southern Region

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: A37-04106  
Date Received: 10/24/1988  
Receipt No: 1003081  
Received By: \_\_\_\_\_

**RECEIVED**

OCT 26 1988

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: JOHN S. CHAPMAN  
Address: P.O. BOX 2989  
BOISE, ID 83701  
208-343-6485

2. Date of Priority: JAN 01, 1941

3. Source: SPRING Trib. to: BIG WOOD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 32      | NE     | SW     |     |     | BLAINE |

5. Description of diverting works:  
DIVERSION DAM FLOODING PASTURE AROUND BUILT UP DITCH IN SPRING

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/15 | 10/01 | 0.500  |      |        |

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 03N      | 18E   | 32      | NE     | SW  |     | IRR | 5.0   |
|          |       |         | NW     | SE  |     | IRR | 1.0   |

Section Acres 6.0

A37-04106

Page 1

Date: 10/24/88

**MICROFILMED**  
FEB 23 1993

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-00521B&G/00522B&C/00523B&C/0833/0899/0913/02640/02507

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): *J. L. Shogren* Date: 10-25-88  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day  
of October 19 88

*Mary L. Clemens*  
Notary Public

Seal

Residing at Blaine, Idaho

My Commission Expires 1-31-91

12/19/2006

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

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RIGHT NUMBER: 37-4106

NAME AND ADDRESS: JOHN S CHAPMAN  
PO BOX 3950  
HAILEY ID 83333

SOURCE: SPRING

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/15/1941

POINT OF DIVERSION:

T03N R18E S32 NESW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04/15 10/31

QUANTITY  
0.120 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S32 NESW 5.00

T03N R18E S32 NWSE 1.00

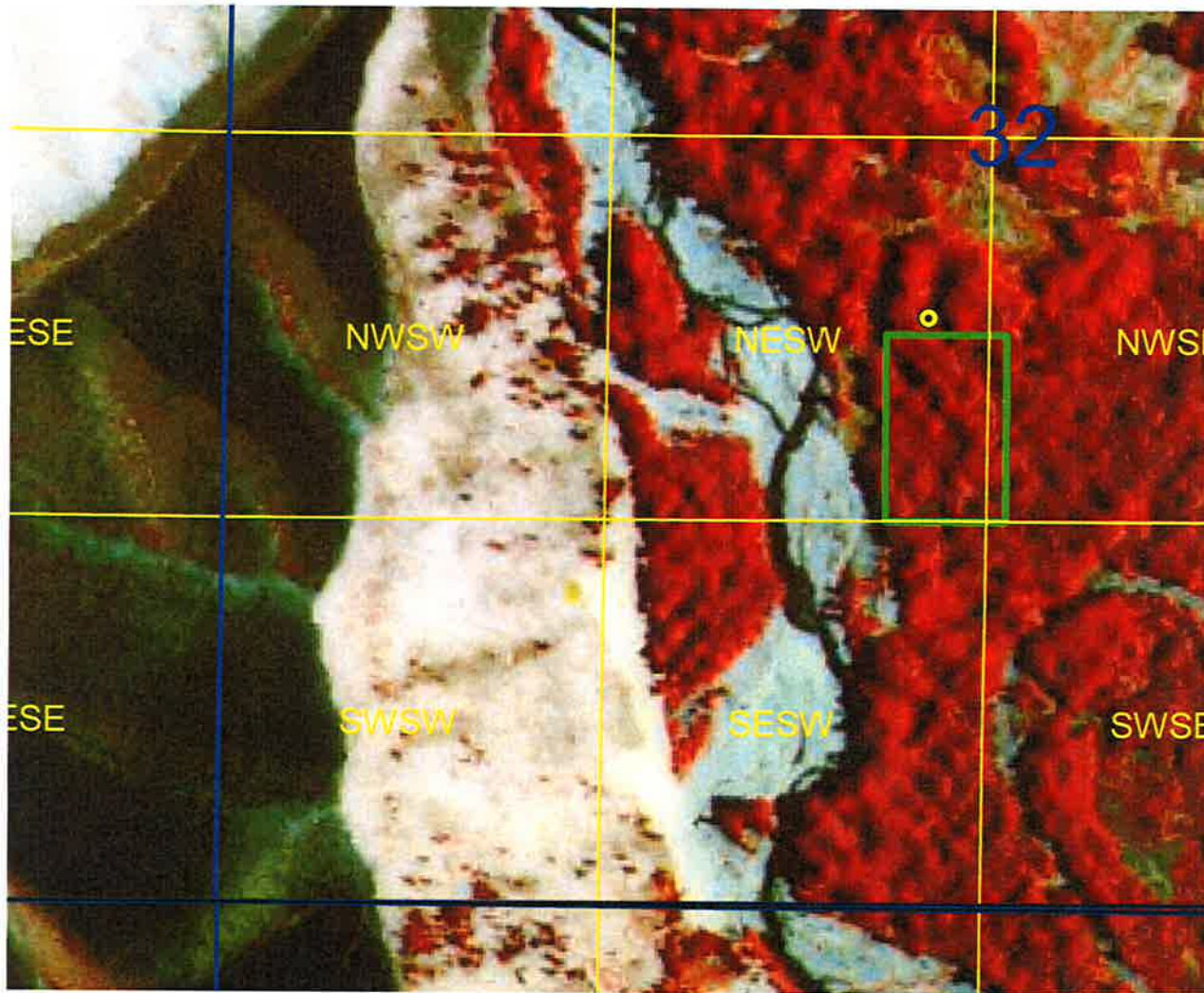
6 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

# Idaho Department of Water Resources



**T03N, R18E,  
SEC 32**

**Claim No: 37-4106**

**Prepared By: Kimberly Brown**

**Date: December 19, 2006**



**Place of Use**



**Section Lines**

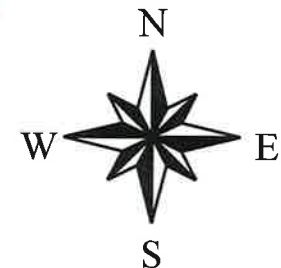


**1/4 1/4**



**Point of Diversion**

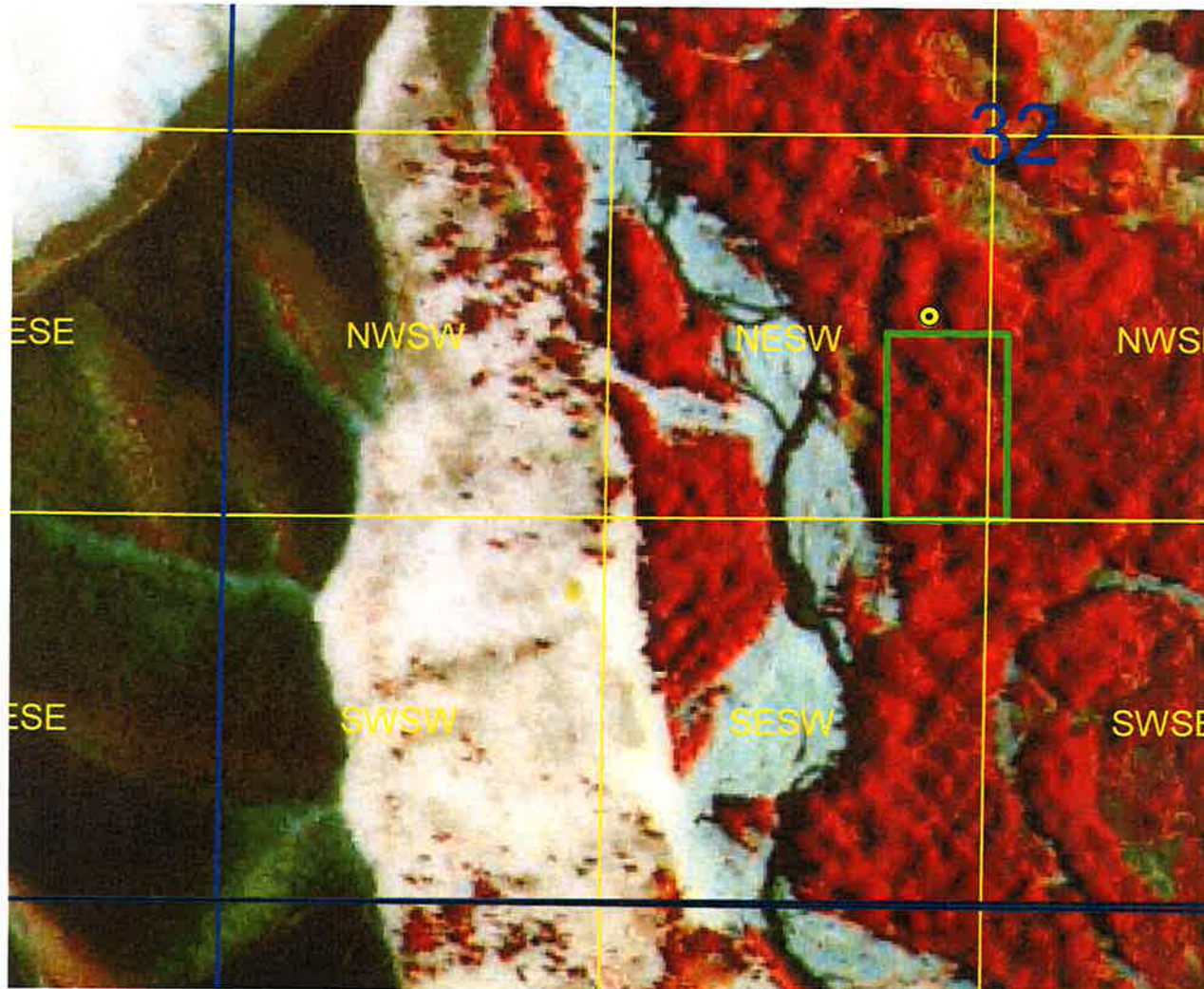
**Irrigated Acres = 6**



0.06 0 0.06 0.12 Miles

**1987 NAPP**

# Idaho Department of Water Resources



**T03N, R18E,  
SEC 32**

Claim No: 37-4106

Prepared By: Kimberly Brown

Date: December 19, 2006



Place of Use



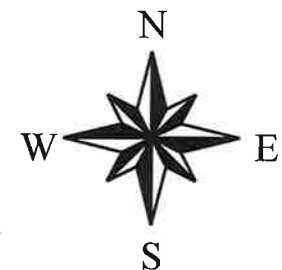
Section Lines



1/4 1/4



Point of Diversion



0.06 0 0.06 0.12 Miles

**1987 NAPP**

There is ~~no~~ project map in file to depict the POB or POU locations.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4106

WATER RIGHT NUMBER: 37-4106

Owner TypeName and Address

Original Owner

DOROTHY J CHAPMAN

Current Owner

4243 HILLWAY DR  
BOISE, ID 83702JOHN S CHAPMAN  
PO BOX 3950  
HAILEY, ID 83333

Priority Date: 01/01/1941

Basis:

Beneficial Use

Status:

Active

Source

SPRING

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

(pasture)

From To

5/15 to 10/01

Diversion Rate

0.12 - 0.500 CFS

Annual Volume

Total Diversion:

0.500 CFS

0.12

Location of Point(s) of Diversion

SPRING

NE1/4SW1/4

Sec. 32, Twp 03N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

6.0 AC  
0.02 cfs/acre  
0.12 cfs

Twp Rge Sec

03N 18E 32

NE

NW

SW

SE

NW

NE

NW

SW

SE

SW

NE

NW

SW

SE

SE

NE

NW

SW

SE

Totals

6.0

Total Acres: 6

Conditions of Approval:

1.

6-17-98: ADDRESS CHANGE PER NOTICE REC'D 4-7-98 - VH

Remarks:Comments:

ADD - This water right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afu per acre (at the field headgate for irrigation.)

I found a map of the POB in the electronic back site.

Southern Region  
no topo or ortho photo quad maps here at Western Region  
X74 → not @ Western

beginning of irrigation season of use  
4/15

# 343-6485 is no longer valid - I called it on 12/18/06

Evidence of Priority Valid

Blaine Co. tax lot data is not available for this area on computer



## Brown, Kimberly

---

**From:** Stanton, Jim  
**Sent:** Monday, December 18, 2006 2:02 PM  
**To:** Brown, Kimberly  
**Cc:** Stanton, Jim  
**Subject:** RE: POU's For Chapman and Campion

Kimberly - Yes, I created the shapes per Dave's request in order to help him out. These were the first two files I found without shapes already prepared. I

don't remember the details, but would have used the available ArcView data to create the shapes based on what actually appeared to be irrigated. I would

not have recommended land that has been taken out of production for homes, etc. Let me know if you still have questions.

-----Original Message-----

**From:** Brown, Kimberly  
**Sent:** Monday, December 18, 2006 1:40 PM  
**To:** Stanton, Jim  
**Subject:** FW: POU's For Chapman and Campion

Jim,

I am contacting you regarding some Basin 37 Part 3 shapefiles that Zach Maillard sent me today. It is my understanding, via Dave Tuthill, that you may have created these shapefiles at the Sun Valley meeting. If this is true, please let me know; since I have a few questions . . .

Thanks,

Kimberly Brown  
Senior Water Resource Agent  
Western Region

-----Original Message-----

**From:** Tuthill, Dave  
**Sent:** Monday, December 18, 2006 1:15 PM  
**To:** Brown, Kimberly  
**Subject:** RE: POU's For Chapman and Campion

Kimberly,

The shape might have been generated by Jim Stanton -- he was working on shapes as he had time...

10 acres sounds about right for .26 cfs...

Thanks, Dave

-----Original Message-----

**From:** Brown, Kimberly  
**Sent:** Monday, December 18, 2006 1:10 PM  
**To:** Tuthill, Dave  
**Subject:** FW: POU's For Chapman and Campion

Dave,

I requested the shapefiles from Zach, as you suggested, only to find that for one of my Campion claims (#37-577CA) - the specific shape generated at the Sun Valley meeting only totals **10** acres and the claim is for **40** acres. (The 0.26 cfs claimed is in "the yellow" on the Riley spreadsheet.)

Do you happen to know who created those shapes from the Sun Valley meeting, so that I may contact them and get further clarification on those shapes/acres were determined?

Thanks,

Kimberly Brown

-----Original Message-----

**From:** Brown, Kimberly  
**Sent:** Monday, December 18, 2006 12:40 PM  
**To:** Maillard, Zachary  
**Subject:** RE: POU's For Chapman and Campion

Zach, thank you for being so prompt about sending these shapefiles! I appreciate it.

Can you give me any background information regarding what these shapefiles are based upon? For instance, I am looking at the Campion rights and the four POU shapes just sent only add up to 10.0 acres; but the claims are for 30.0 and 40.0 acres of irrigation. Any information you have on how these shapes were created would help me tremendously.

Thanks,

Kimberly Brown  
Senior Water Resource Agent  
Western Region

-----Original Message-----

**From:** Maillard, Zachary  
**Sent:** Monday, December 18, 2006 12:20 PM  
**To:** Brown, Kimberly  
**Subject:** POU's For Chapman and Campion

<< File: champion.shp >> << File: champion.shx >> << File: chapman.dbf >> << File: chapman.shp >> << File: chapman.shx >> << File: champion.dbf >>

Kimberly,

Here are the shape files for Chapman and Campion. Let me know if you need anything else.

Zach Maillard  
GIS Analyst  
Idaho Dept. of Water Resources  
(208)287-4939

# EXHIBIT "C"

S 47° 28' 20" E  
 S 37° 31' 55" E  
 S 21° 40' 27" E  
 S 09° 17' 52" W  
 S 43° 15' 46" W  
 S 19° 03' 35" W  
 S 01° 35' 33" E

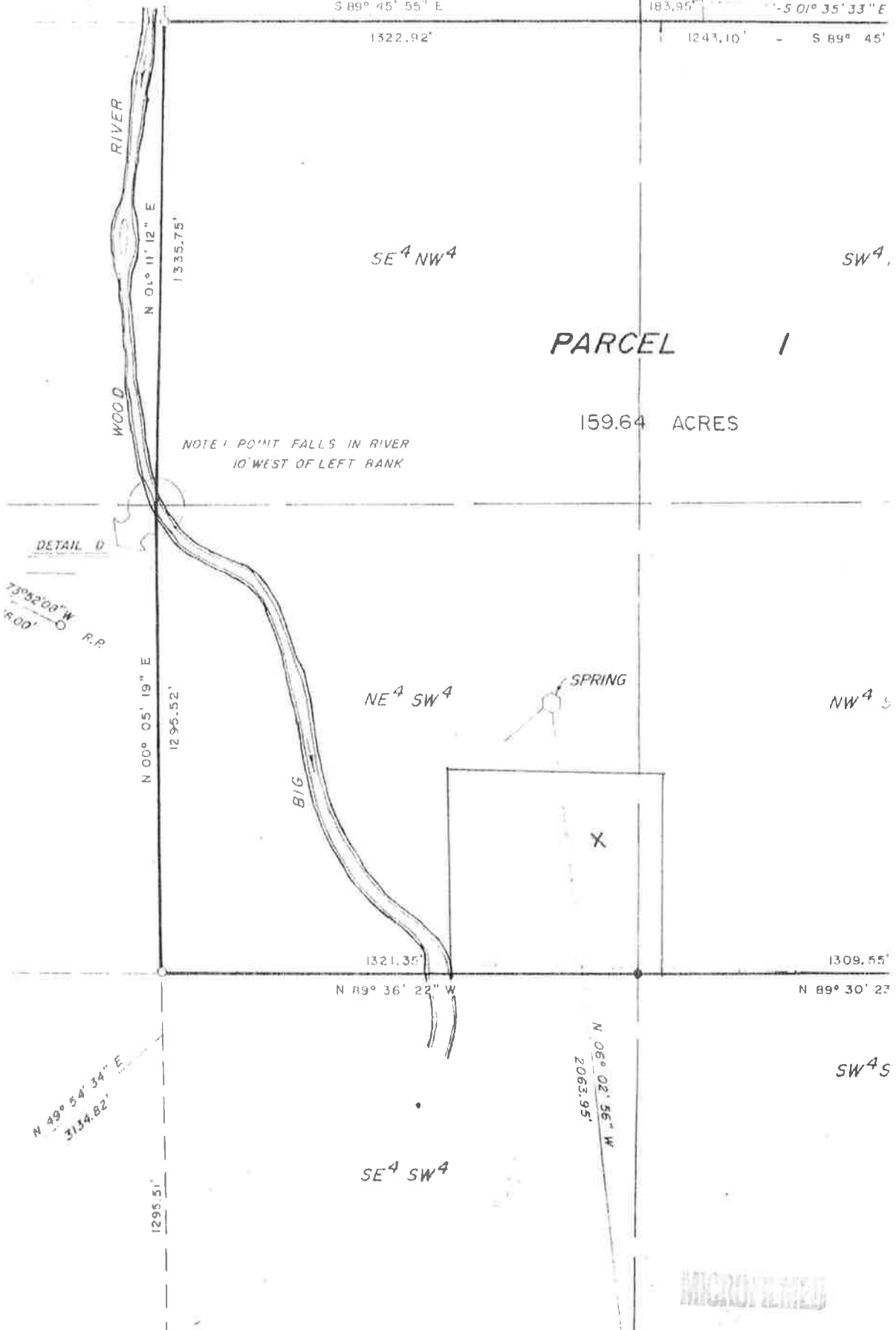


EXHIBIT "B"

AFFIDAVIT OF DOROTHY J. CHAPMAN

STATE OF IDAHO       )  
                          { ss.  
County of Ada        )

DOROTHY J. CHAPMAN, Being first duly sworn upon oath,  
deposes and says as follows, to-wit:

1. That she is the owner of the ranch wherein the spring is  
located.

2. That she has used the spring for irrigation purposes as  
described in the attached claim since she came into possession of  
the ranch on or about January, 1941.

That the prior owners of the ranch, the Osborne family,  
used the spring in the same manner for an unknown amount of time  
before she came into possession of the ranch.

*Dorothy J. Chapman*  
Dorothy J. Chapman

SUBSCRIBED AND Sworn to before me this 12<sup>th</sup> day of June,  
1978.

*Mary Osborne*  
Notary Public for Idaho  
Residing at: *Boise, Idaho*

EXHIBIT "A"

Spring Description  
for

JOHN CHAPMAN

Township 3 North, Range 18 East, Boise Meridian  
Section 32 Blaine County, Idaho

The center of a spring located in the E<sup>2</sup>NE<sup>4</sup>SW<sup>4</sup> Section 32,  
which lies North 49° 54' 34" East, 3134.82 feet, from the  
Southwest corner of Section 32, and also lies North 06° 02' 56"  
West, 2063.95 feet, from the South quarter corner of Section 32.



**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 37-4106**

12/19/2006

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                             |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|----------------------------------|
| 833S    | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 7/40.4      | JOHN S CHAPMAN                   |
| 833T    | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 33/274.6    | HARRY S RINKER                   |
| 899A    | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 7/40.4      | JOHN S CHAPMAN                   |
| 899B    | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 33/274.6    | HARRY S RINKER                   |
| 2507B   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 5/5         | JOHN S CHAPMAN                   |
| 4106    | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 5/6         | JOHN S CHAPMAN                   |
| 20417   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 21.2/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 20421   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 21.2/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 20425   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 21.2/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 20842   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 21.2/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 21239   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 21.2/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 21241   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 21.2/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 21253   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 6.9/34.4    | RUTH BLOOM                       |
| 21255   | Claim       | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 7.4/35.7    | PRISCILLA WOODS                  |
| 833N    | Water Right | 03N | 18E | 32  | NE | SW |     | IRRIGATION     |             | IRVIN E ROCKWELL                 |
| 2507B   | Water Right | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 5/5         | CLOVERLY FARMS                   |
| 4106    | Water Right | 03N | 18E | 32  | NE | SW |     | IRRIGATION     | 5/6         | JOHN S CHAPMAN                   |
| 833S    | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 14.4/40.4   | JOHN S CHAPMAN                   |
| 833T    | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 25.6/274.6  | HARRY S RINKER                   |
| 899A    | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 14.4/40.4   | JOHN S CHAPMAN                   |
| 899B    | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 25.6/274.6  | HARRY S RINKER                   |
| 2640B   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 11/16       | JOHN S CHAPMAN                   |
| 4106    | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 1/6         | JOHN S CHAPMAN                   |
| 20417   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 35.8/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 20421   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 35.8/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 20425   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 35.8/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 20842   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 35.8/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 21239   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 35.8/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |

IDAHO DEPARTMENT OF WATER RESOURCES  
 ADJUDICATION CLAIM POU REVIEW REPORT  
 ADJUDICATION CLAIM NUMBER: 37-4106

12/19/2006

2

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                             |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|----------------------------------|
| 21241   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 35.8/111.5  | RIVERVIEW CLOVERLY IRRIGATION IN |
| 21253   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 0.3/34.4    | RUTH BLOOM                       |
| 21255   | Claim       | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 24.3/35.7   | PRISCILLA WOODS                  |
| 833N    | Water Right | 03N | 18E | 32  | NW | SE |     | IRRIGATION     |             | IRVIN E ROCKWELL                 |
| 2640B   | Water Right | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 11/16       | JOHN S CHAPMAN                   |
| 4106    | Water Right | 03N | 18E | 32  | NW | SE |     | IRRIGATION     | 1/6         | JOHN S CHAPMAN                   |

# John S. Chapman

Attorney at Law

11872 Highway 75 • P.O. Box 3950 • Halley, Idaho 83333

Phone: (208) 788-2550  
Fax: (208) 788-2514  
E-Mail: jchap@micron.net

RECEIVED  
MAY 24 2005  
Department of Water Resources  
Southern Region

May 23, 2005

Mr. Douglas Jones, P.E.  
Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

Re: Notice of Claim #37-4106

Dear Mr. Jones,

Enclosed find my affidavit and deed as proof of my priority of May 31, 1941 as the date of priority for Notice of Claim #37-4106.

Please let me know if any further information is needed to prove "Evidence of Priority."

Thank you for your assistance in this matter.

Sincerely,

  
John S. Chapman

John S. Chapman  
Claimant pro se  
P.O. Box 3950  
Hailey, Id. 83333  
(208) 788-2550  
FAX: (208) 788-2818

RECEIVED  
MAY 24 2005  
Department of Water Resources  
Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN RE: ADJUDICATION CLAIM REPORT)  
NO. 37-4106 )  
\_\_\_\_\_ )

AFFIDAVIT OF PRIORITY DATE  
FOR BENEFICIAL USE CLAIM

State of Idaho )  
 ) Ss.  
County of Blaine )

John S. Chapman, being duly sworn, does depose and state as follows:

1. I am over the age of 21 and competent to testify to the matters stated herein, which I know by my own personal first-hand knowledge thereof.
2. My parents, Marshall B. and Dorothy J. Chapman, purchased the land described in the deed attached as Exhibit A hereto in May 31, 1941. This document is recorded as document number 84638, records of Blaine County, Idaho. I lived on that land with my parents from that time forward. I have lived on and/or owned all or a portion of such property to this present date. I inherited the property from my mother on April 2, 1984 when she died. I was her only heir and only child. My father pre-deceased my mother on January 20, 1949..
3. I was almost five years old when my parents purchased the ranch in 1941, having been born on July 6, 1936. From the time I moved onto this property with my parents in 1941, they diverted the waters of a spring and used it to irrigate a six-acre pasture. I have since

AFFIDAVIT OF PRIORITY DATE  
FOR BENEFICIAL USE CLAIM

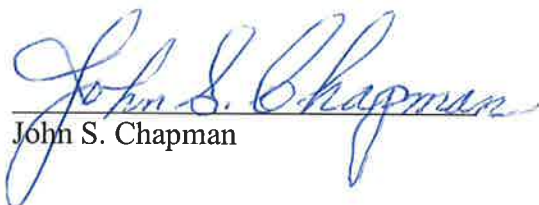
come to understand that the spring is located in the Northeast Quarter of the Southwest Quarter of Sec. 32, Twp. 3 North, Range 18 East, B.M., and the pasture is located in the Northwest Quarter of the Southeast Quarter, and the Northeast-quarter of the Southeast quarter of said section 32. The spring is diverted into a pond, and the water in the pond is then used to irrigate the surrounding area. This diversion has taken place from the beginning of the irrigation season, usually mid-May, until the end of the season, usually around the first of October of each year.

4. I am still the owner of the portion of the property which includes this spring and the surrounding pasture, as evidenced by the deed attached as Exhibit B hereto, which is recorded as document number 84638, records of Blaine County, Idaho.

5. From May, 1941, until the present date the annual diversion of this spring to irrigate the area I own has taken place. I understand the amount of water diverted from the spring for this purpose is approximately .5 CFS.

And further your affiant sayeth naught.

Dated this 23<sup>rd</sup> day of May, 2005.

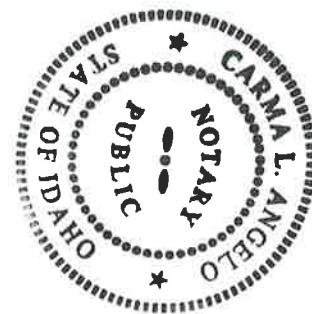
  
John S. Chapman

On the 23<sup>rd</sup> of May, 2005 the Affiant, known or identified to me as John S. Chapman, appeared before me, and subscribed and swore to the foregoing document.

  
Notary Public  
Residing at: Hailey, ID

My commission expires: 12-13-07

(seal)



TO HAVE AND TO HOLD all said singular, the said Water Right premises together with the appurtenances unto the said second party his heirs and assigns forever.

IN WITNESS whereof, the said prty of the first part has hereunto set his seal, the day and year first above written.

Irvin E. Rockwell Seal.

WITNESS:  
Ann Hazelton

STATE OF IDAHO ( ) SS  
COUNTY OF BLAINE ( )

On this 23rd. day of May in the year A. D. 1941 before me T. W. Walker a Notary Public in and for said county personally appeared Irvin E. Rockwell a widower, known to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he had executed the same.

IN WITNESS whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)  
My Commission expires  
April 16-1943

T. W. Walker  
Notary Public for the state of Idaho,  
residing in Hailey Idaho

Filed for record at the request of J. A. Grimm at 10:10 o'clock A. M., August 18, 1942.  
B. P. Thamm, Ex-officio Recorder

WARRANTY DEED

No. 64638

RALPH R. OSBORN ET UX TO MARSHALL CHAPMAN ET UX

The Northeast Quarter of the Southeast Quarter of Section Thirty-two, Township Three North, Range Eighteen, East of the Boise Meridian, excepting therefrom, a strip of land  $11\frac{1}{4}$  rods wide and 1320 feet long on the South end of the Northeast Quarter of the Southeast Quarter of Section Thirty-two, Township Three North, Range Eighteen, East of the Boise Meridian.

All of the Northwest Quarter of the Southwest Quarter of Section Thirty-three, Township Three North, Range Eighteen, East of the Boise Meridian, lying West of the O. S. L. R. Right of Way, excepting therefrom, Beginning at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section Thirty-three, Township Three North, Range Eighteen, East of the Boise Meridian, running thence North 189.75 feet, thence East 990.0 feet, thence South 189.75 feet, thence West 990.0 feet to the point of beginning.

All of the South Half of the Southwest Quarter of Section Thirty-three, Township Three North, Range Eighteen, East of the Boise Meridian, lying West of the O. S. L. R. Right of Way.

Excepting therefrom a tract of land as described in Book 137 of Deeds, at page 497, records of Blaine County, Idaho.

(\$7.70 I. R. S.)  
(AFFIXED AND )  
(CANCELLED )

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity.

Department of Water Resources  
Southern Region

MAY 24 2005

RECEIVED



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 15, 2005

X  
X  
X  
X

Re: Evidence of Priority

**RESPONSE DEADLINE**  
**JUNE 17, 2005**

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice 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. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water 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 the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of 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:** The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-\_\_\_\_). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.  
Water Rights Supervisor

Enclosures



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 17, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

John S. Chapman  
PO Box 3950  
Hailey, Idaho 83333

RE: Snake River Basin Adjudication (SRBA)  
Claim No(s). A37-04106, A37-11999, A37-02507B  
A37-02640B, A37-00522J, A37-00523G, A37-00833S  
A37-00899A, A37-12001, A37-00521L  
Change of Address Notification

Dear Claimant:

Thank you for notifying us of your change of address on the water right claims referenced above. The enclosed documents are for your records, please review them for accuracy in all respects. A copy of your Notice of Change of Address has been forwarded to our State Office so that they may update the address on Water Right number 37-08409.

If you have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock  
Records Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

August 8, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Tom Miller  
P.O. Box 1617  
Boise, ID 83701

Dear Mr. Miller:

Pursuant to your recent inquiry, I have enclosed copies of profile reports of Snake River Basin Adjudication Claims in John Chapman's name. These claims are appurtenant to the property that Mr. Chapman retained when he sold the majority of the Cloverly Ranch to Harry Rinker. Please find enclosed profile reports of the following Snake River Basin Adjudication Claims:

|            |            |            |
|------------|------------|------------|
| A37-00521L | A37-00522J | A37-00523G |
| A37-00833S | A37-00899A | A37-02507B |
| A37-02640B | A37-04106  | A37-11999  |
|            | A37-12001  |            |

It should be noted that the enclosed profile reports are claims and may, or may not, ultimately be recommended to the court as they are claimed.

Some of the Snake River Basin Adjudication claims listed above are based on old decreed water rights. Available information regarding claims A37-00833S and A37-00899A indicates that the water rights that they are based on have not been used for many years. Idaho Code, 42-222, states that a water right is subject to forfeiture if it experiences five consecutive years of non use. For this reason, a preliminary recommendation has been made on these two claims, A37-00833S and A37-00899A, for disallowal based on forfeiture and abandonment of the water rights.

August '8, 1997

PAGE 2

Claims A37-00521L, A37-00522J, and A37-00523G are based on water rights that have been overclaimed in the Snake River Basin Adjudication. For example, water right 37-00521 was originally decreed for 8.00 cfs, but six Snake River Basin Adjudication claims (including A37-00521L) totalling 8.34 cfs have been filed based on this same water right. Water right 37-00522 was originally decreed for 7.00 cfs, but six adjudication claims (including A37-00522J) totalling 7.80 cfs have been filed based on this particular water right. In addition, water right 37-00523 was decreed for 6.00 cfs, but five adjudication claims (including A37-00523G) totalling 7.00 cfs have been filed based on this same water right.

Note that adjudication claims A37-00521L, A37-00522J, and A37-00523G have a claimed point of diversion located within the SESW  $\frac{1}{4}$  of Section 20 (T03N, R18E). This particular diversion corresponds to where the Purdum Slough diverts water from the Big Wood River. Also note that the claims also mention the Hiawatha Canal #22, Osborn #24, and Purdum #25 headgates as possible diversions.

There may be some question(s) regarding how water is delivered to Mr. Chapman's property. Note that the Purdum Ditch, served by the Purdum #25 headgate, delivers water to property west of Highway 75. In addition, the department has been notified by individuals involved with Lot 1, Block 1 of Chapman's East Cloverly Ranch that the Osborne Ditch was filled in and leveled at least 5 years ago. This would indicate that the Osborne Ditch is no longer capable of delivering water to property south of Lot 1, Block 1. For these reasons it appears that the only way Big Wood River water can reach Mr. Chapman's property east of Highway 75 is through the Hiawatha Canal. You may want to check with the watermaster to see how much water has been historically delivered to Mr. Chapman through the Hiawatha Canal. This may be the factor that determines the extent of the validity of the Snake River Basin Adjudication claims that are appurtenant to Lot 2, Block 1 of Chapman's East Cloverly Ranch.

Adjudication claims A37-02507B and A37-02640B are based on water rights that were created in the water right transfer process. Mr. Chapman retained some of the irrigation water rights out of the irrigation well he sold to Harry Rinker. Mr. Chapman then transferred these retained groundwater rights to a well and property west of Highway 75.

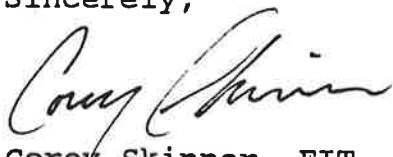
A couple of other claims, A37-11999 and A37-12001, have been filed for domestic use(s) out of wells located in Section 32, Township 3 North, Range 18 East (land located west of Highway 75). Note that claim A37-12001 claims domestic and stockwater uses for property located in Section 31. This property appears to be located in the Osborn Gulch area, west of the Big Wood River.

August 8, 1997  
PAGE 3

In addition, profile reports of claim A37-04106 and water right permit 37-08409 have also been included. Claim A37-04106 is for irrigation use out of a spring located west of Highway 75. A field exam was recently completed by a department representative to determine the extent of development under water right permit 37-08409. Apparently, this permit was for water use out of a well for a nursery located east of Highway 75.

If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT  
Dam Safety Section

Enclosures

1/23/1988

BA CLAIMS RECEIVING CHECKLIST

C003081

CLAIMANT'S NAME

John S Chapman

CLAIM IDENT. NO.

A37-04106

DATE RECEIVED

10/27/88

CK #

234

AMOUNT \$

765<sup>00</sup>

YES

NO

Required  
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO \*
2. Is a priority date entered?  
Is the priority date acceptable in view of mandatory filing dates?  
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO \*
3. (a) Is a source entered? ☒ YES ☐ NO \*
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☒ YES ☐ NO \*
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO \*
5. Is there a description of the diverting works? ☒ YES ☐ NO \*
6. Are the water uses appropriate for the form? The short form is limited  
to domestic and stockwater uses with direct diversion. All claims that  
include storage or instream stockwater must use long form. ☒ YES ☐ NO \*
- Is the period of use included? ☒ YES ☐ NO \*
- Is a quantity claimed for each use? ☒ YES ☐ NO \*
7. Is a total quantity claimed entered? ☒ YES ☐ NO \*
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO \*
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☒ YES ☐ NO \*
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 owner-  
ship must be stated. If not under single ownership, see  
Adjudication Memo # 4. ☒ YES ☐ NO N/A ☒ YES ☐ NO \*
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO \*
11. Is (are) the county(ies) entered? ☒ YES ☐ NO \*
12. Is the ownership of p.u. checked? ☒ YES ☐ NO \*
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO \*
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.) ☒ YES ☐ NO N/A ☒ YES ☐ NO \*
15. Is the basis of the claim indicated? ☒ YES ☐ NO \*
16. If the claimant requested a monthly docket sheet, is payment enclosed?  
(If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☒ YES ☐ NO \*
17. Is the claim signed by the claimant, and is the signature appropriate?  
Organizations must complete the organization block. ☒ YES ☐ NO \*
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO \*
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO \*
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☒ YES ☐ NO \*
21. If this claim is based on an existing water right, has the  
identification number been entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO \*
22. Should this claim be receipted and data entered? ☒ YES ☐ NO \*

Claim checked by:

Bruce A. Schold

Date:

4/4/89

Claim must be returned to claimant:

☒ (Yes) ☐ (No)

Claimant must be sent a copy of amended claim for approval:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

MICROFILMED  
FEB 23 1988