

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: A37-04130

Date Received: 12/19/1988

Receipt No: C004033

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL S. ENGL 208-726-8151
Address: P.O. BOX 2500
SUN VALLEY, ID 83353

2. Date of Priority: JAN 21, 1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	31	SW	NE	SW		BLAINE

5. Description of diverting works:
MAN-MADE LAKE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.500		23.00
RECREATION	01/01	12/31	0.500		23.00

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) 23.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
R/BOATING, SWIMMING, FISHING; FISH PROP.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	31	NE	SW		FISH	

11. Place of use in counties: BLAINE

A37-04130

Page 1

Date: 12/19/88

MICROFILMED
FEB 23 1993

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

13. Other Water Rights Used:
A37-04131

14. Remarks:

THIS IS LARGER OF 2 MAN-MADE LAKES ON PRIVATELY OWNED PROPERTY AND SAME LAKE AS DESCRIBED IN 37-2125. CERTIFICATE OF COMPLETION IN FILE FOR 37-2125 INDICATES DAM COMPLETED JAN. 21, 1910, RATHER THAN JAN. 28, 1909 (AS STATED IN THE STAT. CLAIM) WHICH WAS THE PRIORITY DATE OF 37-2125.

15. Basis of Claim: STATUTORY CLAIM

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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name
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 _____

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: 39356
Ident Number A37-04130
Date Received 10/27/88
Receipt Number 0004033

RECEIVED

OCT 27 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Michael S. Engl
Phone: (208) 726-8151
Mailing Address: P. O. Box 2500
Sun Valley, ID 83353
2. Date of Priority: January 21, 1910
3. Source of water supply (a) Springs
which is tributary to (b) Unnamed stream
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
4N	18E	31	SW	NE	SW		Blaine

Additional points of diversion if any: None.

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: Flow of numerous springs
was dammed to form a small lake with storage capacity of approx. 23 AF.

COPY

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FEB 23 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Recreation	January 1	December 31	0.5 cfs / 23 AF
Fish Propagation	January 1	December 31	0.5 cfs / 23 AF

7. Total Quantity Claimed: 0.5 cfs / 23 AF

8. Total consumptive use claimed is de minimus.

9. Non-irrigation uses: Recreation - boating, swimming, fishing; fish propagation - private lake.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
4N	18E	31	NE	SW	R/H	--

Total number of irrigated acres: N/A

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? 37-4131

14. Remarks: This is larger of 2 man-made lakes on privately owned property and same lake as described in 37-2125. Certificate of completion in file for 37-2125 indicates dam completed January 21, 1910, rather than January 28, 1909 (as stated in the statutory claim) which was the priority date of 37-2125.

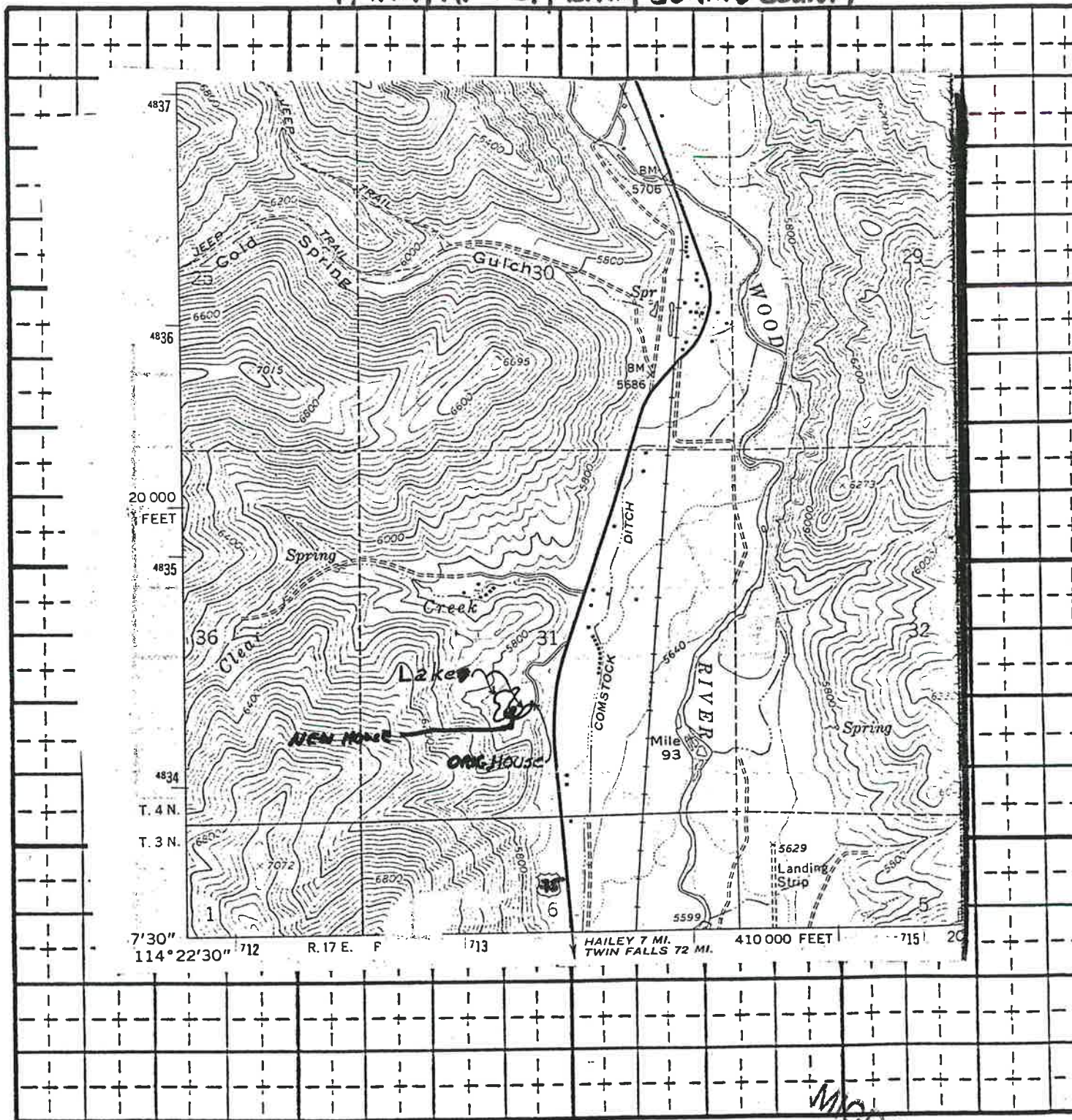
Last Name: Engl Ident No. _____

COPY
MICROFILMED
FEB 23 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 4 N., R. 18 E., B. M., BLAINE COUNTY



COPY MICROFILMED
FEB 23 1993

Last Name ENGL

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim: Beneficial Use
IDWR Water Right Number: 37-4130
Court:
Case Number:
Decree Date:
Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - 0

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____

Date 10/24/88

Date _____

State of IDAHO)
County of BLAINE) ss.

Subscribed and sworn before me this 26 day of October, 19 88.

Notary Public James P. Speck

Residing at East Fork, ID

Commission Expires 1/28/91

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature: _____

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 10/24/88

Last Name: Engr
a2:\engr11.clm

Ident No.: _____

COPY

MICROFILMED
FEB 23 1993

01/06/2011

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

RIGHT NUMBER: 37-4130

NAME AND ADDRESS: MICHAEL S ENGL
PO BOX 2500
SUN VALLEY ID 83353

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 5.000 AFY

PRIORITY DATE: 01/21/1910

POINT OF DIVERSION:

T04N R18E S31 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

RECREATION

01/01 12/31

5.00 AFY

Recreation use of this water is for a 2-acre surface area pond.

PLACE OF USE:

RECREATION in BLAINE County

T04N R18E S31

NESW

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

01/06/2011

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

RIGHT NUMBER: 37-4131

NAME AND ADDRESS: MICHAEL S ENGL
PO BOX 2500
SUN VALLEY ID 83353

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.090 CFS
10.500 AFY

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION:

T04N R18E S31 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.090 CFS 10.50 AFY
RECREATION	01/01 12/31	0.060 CFS 1.00 AFY

Recreation use is for a 3/10-acre surface area pond.

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S31 NESW 3.00

RECREATION in BLAINE County

T04N R18E S31 NESW

3 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

10/06/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-4131

NAME AND ADDRESS: MICHAEL S ENGL
PO BOX 2500
SUN VALLEY ID 83353

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.090 CFS
2.00 AFY

PRIORITY DATE: 06/01/1938

POINT OF
DIVERSION:

T04N R18E S31 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.090 CFS
RECREATION	1/01 12/31	0.060 CFS 2.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S31 NESW 3.00

RECREATION in BLAINE County

T04N R18E S31 NESW

3 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

Add 1 small pond

10/06/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-4130

NAME AND ADDRESS: MICHAEL S ENGL
PO BOX 2500
SUN VALLEY ID 83353

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: ~~0.500 CFS~~
23.00 AFY

Right Nos. 37-4125 and 37-4130 are limited to a total combined diversion rate of 0.5 cfs.

PRIORITY DATE: 01/21/1910

POINT OF
DIVERSION:

T04N R18E S31 SWNESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

RECREATION

1/01 12/31

~~0.500 CFS~~
23.00 AFY

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S31

NESW

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

*Rec use for pond
w/ ac surface
Area*

val only

C. **CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:**

Name: Michael D. Engl
Address: P. O. Box 2500, Sun Valley, ID 83353-2500

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☐ **I object because:**
 - ☐ This water right should not exist
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

- Diversion rate should be 1"/acre of surface area of ponds for recreation use.
- Measuring devices should be installed on inflow and outflow of pond.
- Period of year should be limited to irrigation season.
- Volume of pond should be measured annually.

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris

Big Wood Canal Company

By: _____

Albert P. Barker, Attorney

By: _____

Craig Hobdey, Attorney

F.

VERIFICATION

State of IDAHO)
) ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☒ **Quantity**

Should be: The combined diversion rate remark should be deleted.

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): 37-2125 should be disallowed and Claimant has filed an objection to that recommendation.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4130 V1

WATER RIGHT NUMBER: 37-4130 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL S ENGL PO BOX 2500 SUN VALLEY, ID 83353 (208)726-8151
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 01/21/1910

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	1/01 to 12/31	0.500 CFS	23.00 AF
<u>Total Diversion:</u>		0.500 CFS	23.00 AF

Location of Point(s) of Diversion

SPRINGS	SW1/4NE1/4SW1/4	Sec. 31, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	31									X								

Conditions of Approval:

1. E51 Right Nos. 37-2125 and 37-4130 are limited to a total combined diversion rate of 0.5 cfs.
2. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4130 V1

Comments:

1. mciscell 12/30/2006 Priority date

Comment: Claimed date is for completion of dam and lake for irrigation. No mention of fish propagation or recreation.
 Requested evidence of priority for these uses.

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:
 Water District Number: 37
 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

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.5		
Combined Water Rights: 37-2125 , 37-4130		

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>
Summary			12/31/2006	mciscell	Active
Summary			01/04/2007	mciscell	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	11/3/2006 4:56:08 PM	CFRITSCH	Bulk Copy
Summary	12/31/2006 2:42:05 PM	mciscell	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	1/4/2007 10:22:58 AM	mciscell	Updated shape for Active POU

Blaine County *
Two Unnamed Springs *
.5 of 1 second foot *
Irrigation & domestic *
Priority 1-28-09 **

S T A T E _ _ O F _ _ I D A H O

Water License No.4317

WHEREAS, On the 28th day of January, A.D.1909, LILLIE D. JOHNSON, of Ketchum, County of Blaine, State of Idaho, duly made application (No.6129) to me for a permit to use 2 cubic feet per second of the waters of Two unnamed Springs which form a lake, County of Blaine, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 28th day of January, A.D.1909, Permit No. 4317, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 28th day of January, A.D.1910, and for the application to beneficial use of said water on or before the 28th day of January, A.D.1911, and

WHEREAS, On the 26th day of October, A.D.1909, LILLIE D. JOHNSON, transferred all her right, title and interest in and to the said Permit to Reuben G. Price, and

WHEREAS, On the 14th day of January, A.D.1910, REUBEN G. PRICE, the holder of said permit duly made proof of the completion of adequate works for the diversion of .5 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 3412, dated January 21, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .5 of 1 cubic foot per second of said waters, with date of priority of January 28, 1909, and

WHEREAS, On the 25th day of January, A.D.1911, REUBEN G. PRICE, the holder of said permit duly made proof of the application to beneficial use of .5 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to REUBEN G. PRICE, of Ketchum, County of Blaine, State of Idaho, the holder and owner of said Permit No. 4317, a perpetual right, dating from January 28, 1909, to the use of .5 of 1 cubic foot per second of the waters of Two Springs forming a Lake, in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point at mouth of Creek in the Northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 31, Township 4 North, Range 18 East of the Boise Meridian, and conducted to and upon (25 acres in the southwest quarter of north-east quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 31, Township 4 North of Range 18 East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this thirteenth day of

February A.D. Nineteen hundred and eleven

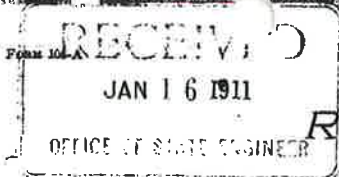
(SEAL)

Recorded February 13, 1911

D. G. Martin

State Engineer

37 2125



Report of Engineer

1. State name of applicant and number of permit: *Frederick J. Price, Permit No. 4317*
2. State source of water supply: *Lake Springs*
3. Location of point of diversion: *Point of diversion bears N. 11° W. 17.90 feet distant from 1/4 Sec. Cor. common to Pa. 31. T. 4 N. R. 18 E. 13 m.*
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *The works have been fully completed in accordance with terms of permit*
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: *one foot*
 - (b) Width at water line: *Two feet*
 - (c) Depth of water: *one foot*
 - (d) Grade per mile: *1 1/2 feet*
6. State whether or not water has been turned into works of diversion and if so, to what extent: *The water has been turned into the works of diversion to its full extent*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *Twenty five acres in the Southwest quarter of the Northeast quarter of Section 31. T. 4 N. R. 18 E. 13 m. in potatoes and alfalfa*
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: *This S.E. 1/4 N.W. 1/4 is used for pasture. The N.E. 1/4 S.W. 1/4 timber land and pasture also located at Lake Springs and of reservoir. Reservoir located in the S.E. corner of said 40 with capacity of 5 acre feet of water. Size of dam 10 feet in bottom 40 feet on top 5 feet high*

L. A. Dithmen

STATE OF IDAHO,
County of Blaine } ss.

L. A. Dithmen, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 14th day of January, 1911

My Commission Expires March 9th, 1911.

L. L. Sullivan
Notary Public.

4317



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

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

HAILEY OFFICE:

16 WEST CROY STREET

SUITE K

POST OFFICE BOX 460

HAILEY, IDAHO 83333

(208) 788-3567

October 26, 1988

RECEIVED

OCT 27 1988

Department of Water Resources
Southern Region Office

CERTIFIED MAIL

Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Attention: Jim Stanton

Re: Snake River Basin Adjudication
Notices of Claims to Water Rights
Michael S. Engl

Dear Jim:

Enclosed you will find the original Notices to Claims to Water Rights which we have prepared on behalf of Michael S. Engl for the following-described water rights:

1. Domestic - Springs;
2. Domestic - Springs;
3. 37-4130;
4. 37-4131.

Also find enclosed a check in the sum of \$215.00 to cover the filing fees for these claims. This filing fee is computed on the basis of \$100.00 per cfs for recreational use and \$10.00 for fish propagation.

Kindly call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/jal
Enclosures
cc: Mr. Michael S. Engl

MICROFILMED
FEB 23 1993

Water Right Number - 37-04130

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

ENGL

MICHAEL S.

1 - P.O. BOX 2500

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone -

+ - - Priority Date - - +

01/28/1909

+ - - Region - - - +

17

+ - - Stage - - - +

S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - - +

SPRINGS

+ - - Tributary - - - - - +

BIG WOOD RIVER

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg

County

Stream Index (Blank if no Index Code)

04N 18E 31 NE SW

(13) BLAINE

272.0 386.0

0.5

+ - - - - Water Use - - - - - +

Code

Description

Period From

Period To

Diversion Rate

Diversion Volume

19 - FISH PROPAGATION

01/01

12/31

0.500

23.00

46 - RECREATION

01/01

12/31

0.500

23.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

0.500

23.00

+ - - - - Place of Use - - - - - +

Twn

Rng

Sec

Tract

Lot

Acres

Code

Description

County

04N

18E

31

NE SW

19 FISH PROPAGATION

(13) BLAINE

Total Acres:

+ - - Diversion Means - MAN-MADE LAKE

+ - - Non-Irrigation Use - R/BOATING, H/PRIVATE LAKE

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

No Remarks found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - Decree Plaintiff - - - +

+ - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - Microfilm Rolls -

MICROFILMED
FEB 23 1993

Water right number - 37-04130

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 05/21/86

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 05/21/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
FEB 23 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Engl

CLAIM IDENT. NO.

A37-04130

DATE RECEIVED

10/27/88 10:20 P.M.

CK #

8677

AMOUNT \$

215.00

YES

NO

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

✓

2. Is a 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)

N/A

incubated stream

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

✓

5. Is there a description of the diverting works?

✓

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.

✓

Is the period of use included?

✓

Is a quantity claimed for each use?

✓

7. Is a total quantity claimed entered?

✓

8. If required is a consumptive use entered?

N/A

✓

Is the consumptive use correct?

N/A

✓

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, see Adjudication Memo # 4.

N/A

✓

10. Is (are) the place(s) of use and purpose(s) indicated?

✓

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

✓

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

✓

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

✓

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.)

N/A

✓

15. Is the basis of the claim indicated?

✓

16. Is the claim signed by the claimant, and 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?

✓

Was this claim filed on time, or was an extension granted?

✓

Is the fee enclosed correct?

Exempt

✓

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:

MICROFILMED
FEB 23 1993

Comments: