

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: A37-04381
Date Received: 2/25/1991
Receipt No: C019731
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: J D ALDECOA & SON INC
Address: 12 MESA VISTA DR
BOISE ID

208-342-1339

83705

2. Date of Priority: APR 1, 1910

3. Source: SPRING

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	09E	1	NE	NW		3	ELMORE

5. Description of diverting works:

STOCK POND 100' X 3-5'; INTERMITTENT DIVERSIONS ALONG SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		
STOCKWATER	01/01	12/21	0.080		
STOCKWATER STORAGE	01/01	12/31			3.00

7. Total Quantity Appropriated is:

0.200 C.F.S. (and/or) 3.00 A.F.A.

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER FOR UP TO 300 HEAD OF RANGE CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	09E	1	NW	NE	2	STOC S	
			SW	NE		IRR	30.0

A37-04381

Page 1

Date: 02/11/92

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FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	09E	1	SE	NW		IRR	10.0
			NE	SE		IRR	40.0
			NW	SE		IRR	10.0
			SW	SE		IRR	10.0
			SE	SE		IRR	40.0

Section Acres 140.0

Total Acres 140.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME J.O. Aldecoa and Son, Inc. CLAIM IDENT. NO. A37-04381

DATE RECEIVED 2/22/91 CK # C019731 - \$2200⁰⁰ AMOUNT \$ 190 + 50⁰⁰

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
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.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	* <u>Lot 3</u>
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	☒	☒	ok SWKen
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	☒	☐	* see below.
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. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☐	☒	*
20. Is the fee enclosed correct? Exempt	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered? N/A	☒	☐	Statutory claim
22. Should this claim be data entered?	☒	☐	SNK

Claim checked by: S.W. Keen Date: 2/27/91

Claim must be returned to claimant: ☒ (Yes) ☐ (No)

Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: J. Davison Date: 2/25/91
Claim data entered by: SWKeen Date: 2/31/91 Checked by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: Consumptive use should be 190 x 3.0 = 420 AFA (5" in NW 1/4 NE 1/4 should be "S")??

Both Beneficial Use and Water Right # referenced Point of Diversion does not match Statutory claim but it is correct on claim if compared to map submitted with claim.

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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 A37-04381Date Received 2/22/91Receipt Number 6019731

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 22 1991
Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) J.D. Aldecoa and Son, Inc. Phone (208) 342-1339
Mailing Address 12 Mesa Vista Dr., Boise, ID Zip 83705

2. Date of Priority (Only one (1) per claim) April 1, 1910

3. Source of water supply (a) Unnamed Spring
which is tributary to (b) Camas Creek

4. a. Location of existing point of diversion is: Township 2 S. Range 9 E. Section 1,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Elmore

Additional points of diversion if any: _____

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. Spring originates on property and

intermittent diversions along its course irrigate meadow. A stockwater pond
approximately 100 feet in diameter and 3-5 feet deep stores water from the spring
for stockwater use.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .12 or _____

For Stockwater purposes from 1/1 to 12/31 amount .08 or _____

For Stockwater Storage purposes from 1/1 to 12/31 amount _____ or 3.0

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) 3.0 (acre feet)

8. Total consumptive use claimed is 350 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater for up to 300 head of range cattle

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	
2S.	9E.	1		5	30					10					40	10	10	40	140

Total number of acres irrigated 140

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

12. Do you own the property listed above as place of use? Yes xxx 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.
_____ or None (xx)

14. Remarks:

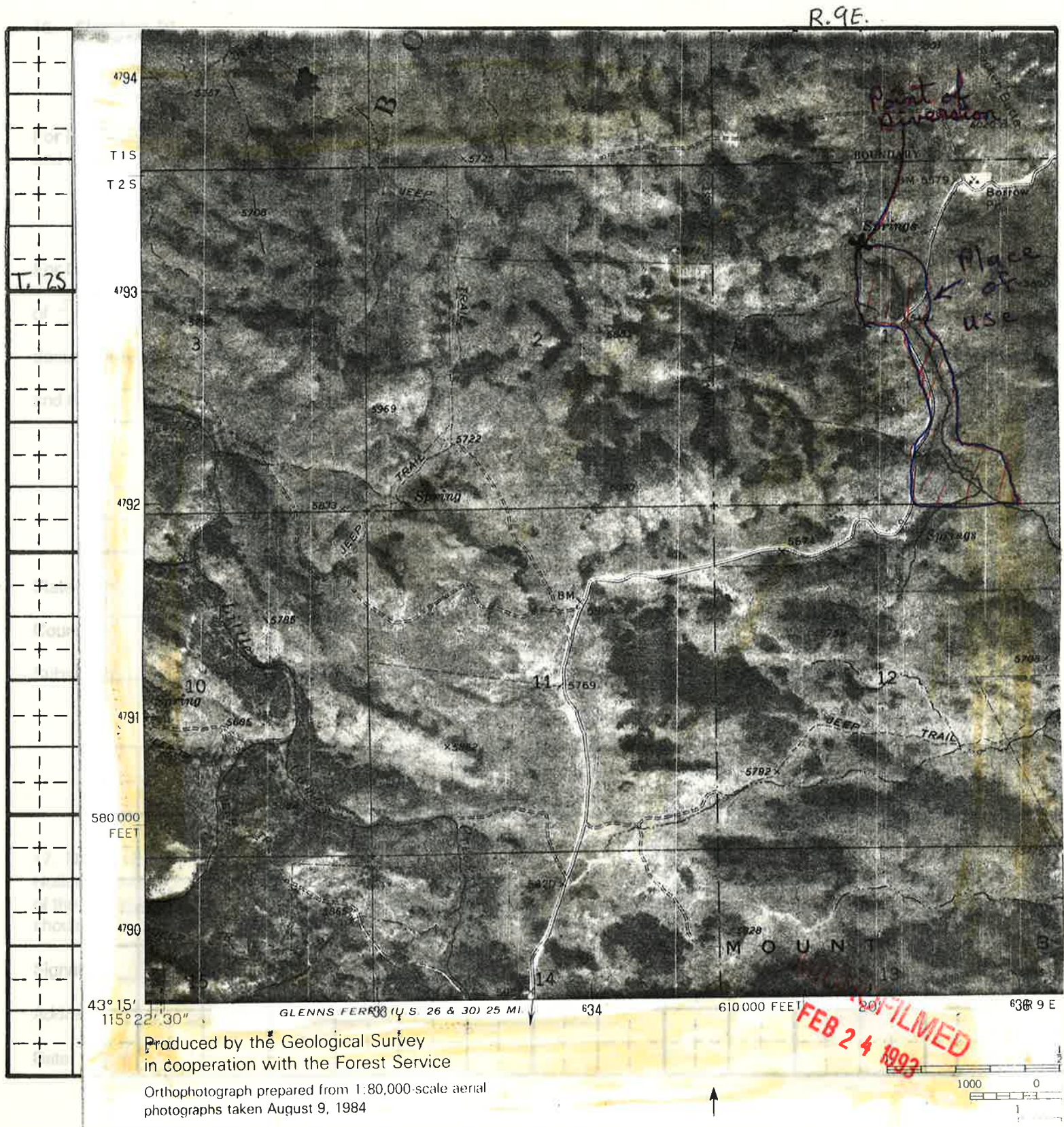
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FEB 24 1993

Last Name Aldecoa Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name

Aldecoa

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use xx Posted Notice _____ License _____ Permit _____
Decree _____ Claim No. 37-4381
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 xx 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 _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____
of J. D. Aldecoa and Son, Inc. , that I have signed the foregoing
Organization
document in the space below as President of J. D. Aldecoa and Son, Inc.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Dorothy Aldecoa
Title and Organization J. D. Aldecoa and Son, Inc. Date 1-29-91

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 29th day of January 19 91

SEAL

Notary Public M. Judith Marlow

Residing at Boise

My Commission Expires 11-20-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address P. O. Box 1539, Boise, ID 81701-1539

Date 2/11/91

Last Name Aldecoa Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
FEB 24 1993

03/30/2006

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

RIGHT NUMBER: 37-4381
NAME AND ADDRESS: J D ALDECOA & SON INC
12 MESA VISTA DR
BOISE ID 83705
SOURCE: UNNAMED STREAM TRIBUTARY: CAMAS CREEK
QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 04/01/1910
POINT OF DIVERSION:
T02S R09E S1 NWSWNE Begin of Stream Flow Within ELMORE County
T02S R09E S1 SWSWNE Begin of Stream Flow Within ELMORE County
T02S R09E S1 NESWSE Begin of Stream Flow Within ELMORE County
T02S R09E S1 SESWSE Begin of Stream Flow Within ELMORE County
T02S R09E S1 SWSESE End of Stream Flow Within ELMORE County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: STOCKWATER Within ELMORE County

T02S R09E S01	SWNE	T02S R09E S01	NWSE
T02S R09E S01	SWSE	T02S R09E S01	SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

Adjudication Claim Notes

Claim(s): 37-4381

Background Data

- Beneficial Use Claim
- Source is Unnamed Stream tributary to Fish Creek
- Claimed for 1.0 cfs on 50 acres

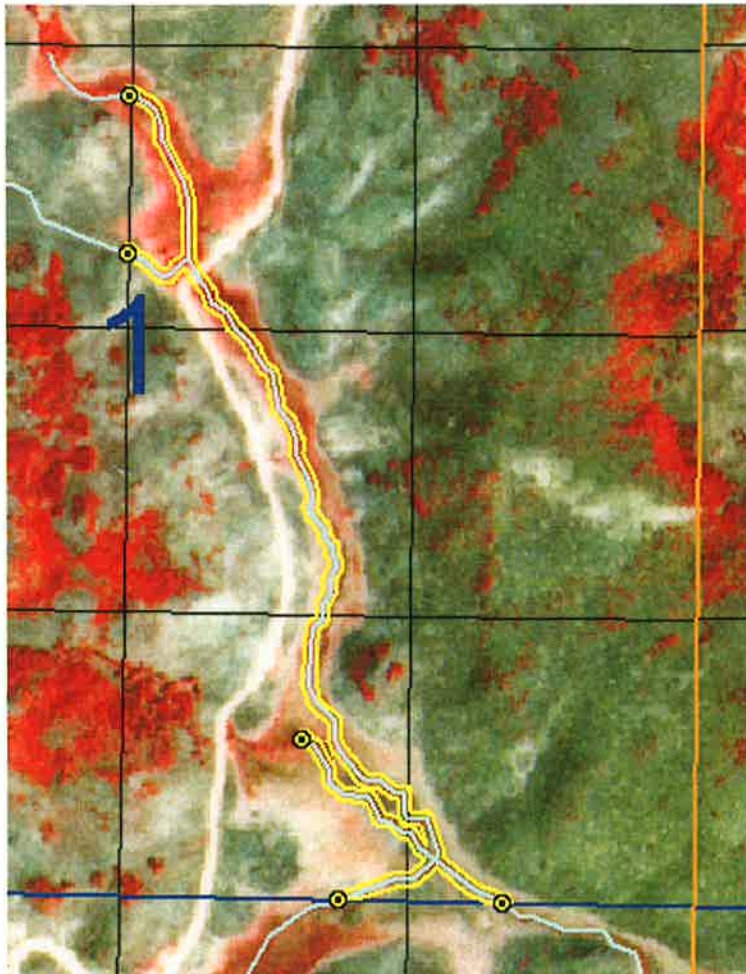
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T2S R9E Section 1

208-336-4446

- 3/29/06 – Met with John Wilson at my office. Mr. Wilson said:
 - there is no stockwater pond on this property
 - they do not actively divert the water for irrigation, it is just sub-irrigation near the streams
 - the stockwater use is in-stream on this property.
 - they do not own SENW Section 1 and they do not want to claim stockwater in that QQ
- Recommended the stockwater as in-stream use for 0.02cfs. Disallowed the irrigation portion of this claim because they do not divert the water from the stream. Disallowed the stockwater storage portion of this claim because there is no stockwater pond.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Dorothy M. Aldecoa
12 Mesa Vista Dr.
Boise, Idaho 83705

April 19, 2005

State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Notice of Claim No. 37-4381

Dear Ladies and Gentleman:

As evidence of the priority date of April 1, 1910 for these water rights in the Camas Creek and Cattle Creek areas of Elmore County I hereby certify that I and my husband Basil Aldecoa, now deceased, have utilized these water rights in the amounts and at the times indicated on our claim in the stock grazing operations through our Idaho corporation JD Aldecoa and Son, Inc. since the formation of such corporation in 1949 and prior to that time my husband Basil and/or his relatives so utilized these water rights for stock watering and irrigation.

Sincerely,



Dorothy M. Aldecoa

SCANNED

MAR 30 2006

Anders, Matthew

From: Anders, Matthew
Sent: Thursday, March 23, 2006 10:25 AM
To: 'wilsalde@cs.com'
Cc: 'dbl@battfisher.com' ← *wilson's attorney - David Lincoln (Batt & Fisher, LLC)*
Subject: water right claim 37-4381

Mr. Wilson,

I haven't received a response to the email message I sent you in February (message below). You still need to submit evidence supporting the priority date of April, 1, 1910. If we do not receive adequate evidence of priority soon, all or part of claim 37-4381 will be recommended to the Snake River Basin Adjudication Court for disallowal.

Please note that this is my last attempt to contact you.

Sincerely,

Matt Anders

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

From: Anders, Matthew
Sent: Wednesday, February 22, 2006 11:09 AM
To: 'wilsalde@cs.com'
Subject: water right claim 37-4381

Mr. Wilson,

David Lincoln gave me your email address. Water right claim 37-4381 was filed by J.D. Aldecoa & Sons for Irrigation, Stockwater, and Stockwater Storage in Twp 2S, Rng 9E, Section 1 (west end of Camas Prairie). We are currently reviewing this water claim and need additional information that supports your claimed priority date of April 1, 1910. Please give me a call at the number listed below.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Anders, Matthew

To: wilsalde@cs.com
Subject: water right claim 37-4381

Mr. Wilson,

David Lincoln gave me your email address. Water right claim 37-4381 was filed by J.D. Aldecoa & Sons for Irrigation, Stockwater, and Stockwater Storage in Twp 2S, Rng 9E, Section 1 (west end of Camas Prairie). We are currently reviewing this water claim and need additional information that supports your claimed priority date of April 1, 1910. Please give me a call at the number listed below.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

AHy: David Lincoln
Butt & Fisker, LLP
208-331-1000

dbl@buttfisker.com

RECEIVED
JUL 3 1948

Department of Justice
Southern District of New York

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)

Telephone No. (208) 342-1339

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) 1910

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed stream tributary to ~~Indian Creek~~ **Canas Creek**

(cfb, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity .08 cfs

Use stock

Period of Use From 1/1 To 2/21

Quantity .12 cfs

Use irrigation

Period of Use From 3/15 To 11/15

Quantity _____

Use _____

Period of Use From _____ To _____

Quantity _____

Use _____

Period of Use From _____ To _____

Quantity _____

Use _____

Period of Use From _____ To _____

(4) .20 cfs TOTAL QUANTITY USED.
(cfs. af)

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW¼ NE ¼, Sec. 1 Twp. 2So Rge. 9E B.M., County of Elmore

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. small spring originates on property and irrigates meadow: through

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

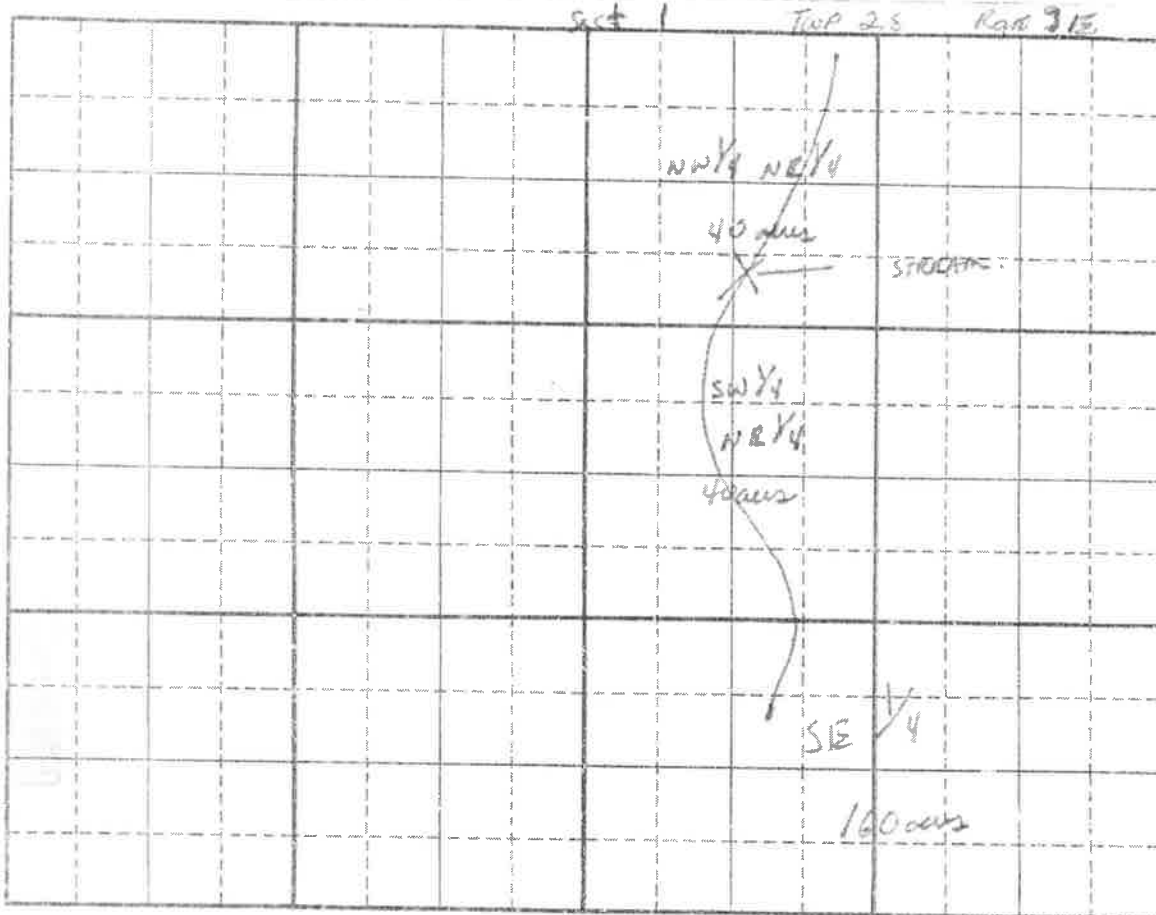
[illegible]

No. of acres 240

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
stock water

NOTE: Include here the type and number of stock watered: 80 heifers

(7) If you are claiming water as a member of an organization, list name of organization: NA



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29th day ofJune

J. B. Alderson, Inc.
By Dorothy Alderson, Sec.
(Claimant)
1983

Vicki L. Jones
Notary Public
Residing at Boise Id.

My commission expires 4/26/867/5/83
FOR DEPARTMENT USE ONLY

Received by Jim Date 6-23-83
 Paid in check by Jim Date 6-29-83
 \$20.00 received by Jim Date 6-29-83
 Published in Boise Co. Record
 On 8/1/83

Forwarded to: _____ Date _____
 Claimant by: _____



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

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

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

GENERAL POWER OF ATTORNEY
OF BASIL P. ALDECOA

KNOW ALL MEN BY THESE PRESENTS: That I, Basil P. Aldecoa, of Boise, Ada County, Idaho, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Dorothy Aldecoa, of Boise, Ada County, Idaho, as my true and lawful attorney for and in my name, place, and stead, and for my use and benefit to do the following:

(1) To ask, demand, sue for, recover, collect, and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities, and demands whatsoever as are now or shall hereafter become due, owing, payable, or belonging to me; to have, use, and take all lawful ways and means in my name or otherwise for the recovery thereof, by attachments, arrests, distresses, or otherwise; to compromise and agree for the same, and acquittances, or other sufficient discharges for the same, for me and in my name; to make, seal, and deliver the same;

(2) To bargain, contract, agree for, purchase, receive, and take lands, tenements, and hereditaments; to accept the seisin and possession of all lands, deeds, and other assurances in the law therefor; to lease, let, gift, demise, bargain, sell, remise, release, convey, mortgage, and hypothecate lands, tenements, and hereditaments upon such terms and conditions and under such covenants as my said attorney shall think fit;

(3) To bargain, agree for, gift, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with

goods, wares, merchandise, choses in action, and other property in possession or in action; to make, do, and transact all and every kind of business of whatever nature or kind; and to sign, seal, execute, deliver, and acknowledge such deeds, leases, and assignment of leases, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases, and satisfaction of mortgages, judgments, other debts, and such other instruments in writing of whatever kind and nature, as may be necessary or proper in the premises for me and in my name and as my act and deed;

(4) To prepare my federal income and gift tax returns and state income tax return; to sign the same on my behalf; to pay any and all taxes, charges, and assessments that may be levied or imposed upon me with respect thereto; to file for and collect any refunds pertaining thereto on my behalf; and to make court or audit appearances on my behalf with respect to such tax assessments or refund claims; and

(5) To do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present (with full power of substitution or revocation); and I hereby ratify and confirm all that my said attorney (or my said attorney's substitute or substitutes) shall lawfully do or cause to be done by virtue of these presents.

As allowed by Idaho Code sections 15-5-501, et seq., this power of attorney shall not be affected by my disability, incapacity, or incompetence.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 18th day of December, 1990.

Basil P. Aldecoa
Basil P. Aldecoa

Signed, sealed, and delivered
in the presence of

Michelle Murphy
Witness

Bertha H. Barton
Witness

STATE OF IDAHO)
County of Ada) ss.

On this 18th day of Dec., 1990, before me,
Caroline Vogel, a notary public in and for said state,
personally appeared Basil P. Aldecoa, and Michelle Murphy
and BERTHA H. BARTON, witnesses, known to me to be the
persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

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

Caroline Vogel
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 7/18/94



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 2, 1992

Scott Campbell
Elam, Burke, and Boyd
P.O. Box 1539
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)
Canyon and Elmore Counties
#A37-04381, #A37-10496 and other Aldecoa Notices of Claim

Dear Counselor:

I have enclosed four original Notices of Claim to a Water Right filed by you on behalf of your clients, J.D. Aldecoa and Son, Inc. and Basil and Dorothy Aldecoa. I have also enclosed a data entered copy of Notice of Claim #A37-04381. Each of these notices has one or more items which requires your attention.

On three of the original notices, the information describing your client's stockwater use appears to be incomplete. One of these three also needs a consumptive use entry in item #8. On the fourth original notice, #A63-10496, the total quantity claimed in item #7 exceeds the total for the use listed in item #6. The data entered copy of #A37-04381 is included so that you may check some interpretations we have made based on the information you provided.

Regarding the stockwater entries, Idaho Department of Water Resources recognizes that stockwater use can be incidental to irrigation use during the irrigation season. In other words, water that is diverted for irrigation use may also be used to water stock during the irrigation season. Such "incidental" stockwater uses do not have to be listed as separate purposes of use in item #6 of the claim notices. Instead, incidental stockwater uses may be claimed by simply writing the type and number of the head of stock in the non-irrigation uses section (item #9) of the notices of claim.

If, however, your clients want to claim rights to stockwater uses outside the irrigation season, then those uses must be listed as separate purposes of use at item #6. The seasons of use and diversion rates for the stockwater uses must also appear in item #6. The total diversion rates (item #7) can be either the additive value of the diversion rates for each use, or it can equal the diversion rate of the greater of the two uses. Correspondingly, places of use for the stockwater uses must be indicated at item #10.

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Aldecoa
January 2, 1992
Page 2 - Canyon County

If your clients are claiming stockwater uses that are incidental to the irrigation uses, then please remove the stockwater references at item #6. However, if the stockwater uses on these two notices are separate from the irrigation uses, then please correct items #6, #7, and #10 of each notice as explained in the preceding paragraph. Please have your client initial and date all changes you make.

The data entered copy I have enclosed is for Notice of Claim #A37-04381. In the process of data entry, we have interpreted the data from this claim in a manner which we feel more accurately reflects the true status of this water right. (We interpreted the "5" in item #10 to be an "S".) The items that were modified are highlighted. Please review the enclosed claim to ensure that these modifications are correct.

If you believe our data is incorrect and you wish to make changes to Notice of Claim #A63-10496, then please cross out the incorrect information and insert the correct information, making sure to initial the changes. Then, have your client sign the notice, and have the signature notarized. Finally, return all the notices of claim to this office by January 31, 1992.

If you have any questions, please contact me at 327-7936.

Sincerely,

John D. Carlson
John D. Carlson
Adjudication Supervisor

JDC:SWK:state:tf
Enclosures:

Three Original Notices of Claim
Notice of Claim #A37-04381

MICROFILMED
FEB 24 1993

ELAM, BURKE AND BOYD

CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
TELECOPIER
208-384-5844

DAVID B. LINCOLN

February 10, 1992

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FEB 10 1992

HAND DELIVERED

John D. Carlson
Adjudication Supervisor
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720

Department of Water Resources

Re: Aldecoa Notices of Claim No. A37-04381, A37-0496, et al.

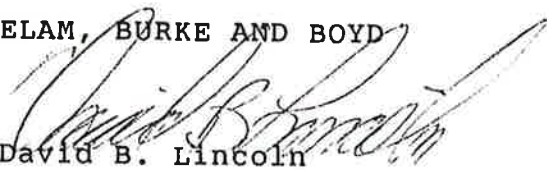
Dear Mr. Carlson:

In reply to your letter of January 2, 1992, I am now the attorney with Elam, Burke and Boyd responsible for the handling of these claims, and I enclose herewith revised Notices of Claim with the revisions, suggested by your letter, underlined in red with our clients initials beside each such change.

I appreciate your patience in awaiting receipt of these revisions, and if there are any additional changes required, please contact me.

Yours truly,

ELAM, BURKE AND BOYD


David B. Lincoln

DBL:lj1
Encl.

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FEB 24 1992

ELAM, BURKE AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

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702 WEST IDAHO

POST OFFICE BOX 1539

BOISE, IDAHO 83701

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208-343-5454

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February 21, 1991

Mr. Carter P. Fritschle
Senior Water Rights Examiner
Adjudications Bureau
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83720

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FEB 22 1991

Department of Water Resources

RE: J. D. Aldecoa & Son, Inc.
Basil and Dorothy Aldecoa
Snake River Basin Adjudication Claims

Dear Carter:

Pursuant to our recent telephone conversation, I have enclosed Notices of Claim to Water Right in the Snake River Basin Adjudication to be filed on behalf of J. D. Aldecoa & Son, Inc. and Basil and Dorothy Aldecoa. I have also enclosed two separate checks to cover the filing fees for the claims.

Additionally, you should note that several of the claims have an attached Power of Attorney which documents the fact that Dorothy Aldecoa has been granted full authority to sign on behalf of Basil Aldecoa, who is the President of J. D. Aldecoa & Son, Inc. Please contact me if you require further documentation with regard to this issue.

The filing fees which I have enclosed with the claims have been based upon my calculation of the filing fees, together with the late penalty fees associated with the late filing. If you find that my calculations are incorrect in some regard, please contact me and we will make the appropriate adjustment.

After the filing has been completed and recorded with the Department, please provide me with a date stamped, filed copy of the claims so that we may retain a permanent record for our files.

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Mr. Carter P. Fritschle
February 21, 1991
Page 2

Please contact me if you have any questions.

Very truly yours,

ELAM, BURKE AND BOYD


Scott L. Campbell

SLC:jm
Enclosures

cc: Mr. and Mrs. Basil Aldecoa
Mr. John Wilson
Carl Burke, Esquire

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FEB 24 1993