

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: A37-10034
Date Received: 5/05/1988
Receipt No: S000165 452

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PICABO WATER USERS ASSN. 208-788-2837
Address: C/O JANET OCROWLEY
P. O. BOX 705
PICABO, ID 83348

2. Date of Priority: JAN 01, 1910

3. Source: PICABO TOWN SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	20E	4	SW	NW	NE	2	BLAINE

5. Description of diverting works:
SPRING BOX, 2" PIPELINE TO STORAGE TANK, 6" LINE FROM TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.134		
COMMERCIAL	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.134 C.F.S. (and/or) 16.80 A.F.A.

8. Total consumptive use is 168.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 13 HOMES /LAWNS, 13 HOMES W/O LAWNS, 1 CHURCH.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	20E	27	NE	SW		DOMEST	
			SE	SW		DOMEST	

A37-10034

Page 1

Date: 05/19/88

MICROFILMED

FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	20E	27	NW	SE	DOMEST	
			NW	SE	COMMER	
			SW	SE	DOMEST	

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:

WELL IN TOWN ALSO SUPPLIES WATER TO SYSTEM.

14. Remarks:

COMMERCIAL USE IN POTTERY SHOP. SYSTEM IS SHARED WITH PICABO LIVESTOCK CO., WHICH OWNS THE DIVERSION/CONVEYANCE SYSTEM.

15. Basis of Claim: BENEFICIAL USE

Water Right Number:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

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): Jane V. Crowley Date: 5/5/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of May 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number

A37-10034

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Picabo Water Users Phone () 788-2837Mailing Address Picabo Zip 83348

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) Picabo Town Spring
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

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

Township 2S Range 20E Section 4, SW 1/4 of NW 1/4 of NE 1/4,Govt. Lot _____ B.M., County of Blaineending 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.

The Spring water piped to town water supply.

Marrin Porter
Quier Crowley
Jayce Barber
Rudolf Klein
Fred Porter
Carl Porter

Mary Porter
Daniel J. Blum
Alice Risper
Vinnie Atwood
Holly Rivera

MICROFILMED

FEB 24 1993

Copies: White-State, Yellow-Claimant

DOCUMENT TO ACCOMPANY NOTICE OF CLAIM

to water of Picabo Town Spring May 4, 1988

We, the undersigned property owners within the Picabo Townsite, do hereby assert a claim to all the water originating in the natural spring shown on Idaho maps as "Picabo Town Spring", which is situated in Township 1 south Range 20 east, Section 4, in the SW 1/4 of the NW 1/4 of the NE 1/4, south of Picabo Town in the County of Blaine.

This spring water has historically been used to serve the town of Picabo for as long as the oldest living inhabitant can remember.

In consideration of the ongoing adjudication of all the water rights in the Snake River basin, and in consideration of the apparent fact that the rights to this spring have never been claimed nor filed with the State of Idaho, we do hereby assert for the record the sole use and enjoyment of the waters originating at this spring for the joint and several use of all homes, businesses, and other public uses within the townsite of Picabo.

We do petition the Idaho Department of Water Resources to so record this claim, and further, to include it within the general adjudication of 1988.

1- <u>Frank Porter</u>	6- <u>Alice Kime</u>	11- _____
2- <u>Mervin Porter</u>	7- <u>Vernie Atwood</u>	12- _____
3- <u>James Crowley</u>	8- <u>Rudolf Klein</u>	13- _____
4- <u>Mike Porter</u>	9- _____	14- _____
5- <u>Carl Porter</u>	10- _____	15- _____

Witnessed by Notary Public _____ Date _____

Commission expires _____

ACKNOWLEDGEMENT

STATE OF IDAHO, }
County of Blaine, } ss.

On this 4th day of May, 19 88.

before me, Marlene Farnworth, a Notary Public,

in and for said State, personally appeared Sig #1- Frank Porter; #2- Mervin Porter; #3- James Crowley; #4 Mike Porter; #5 Carl Porter; #6 Alice Kime; #7 Vernie Atwood; #8 Rudolf Klein; #9

known to me to be the person S whose names are subscribed to the within instrument, and acknowledged to me that They executed the same.

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

Marlene Farnworth

Notary Public. Residing at Paris, Idaho 83320

MICROFILMED
FEB 24 1993

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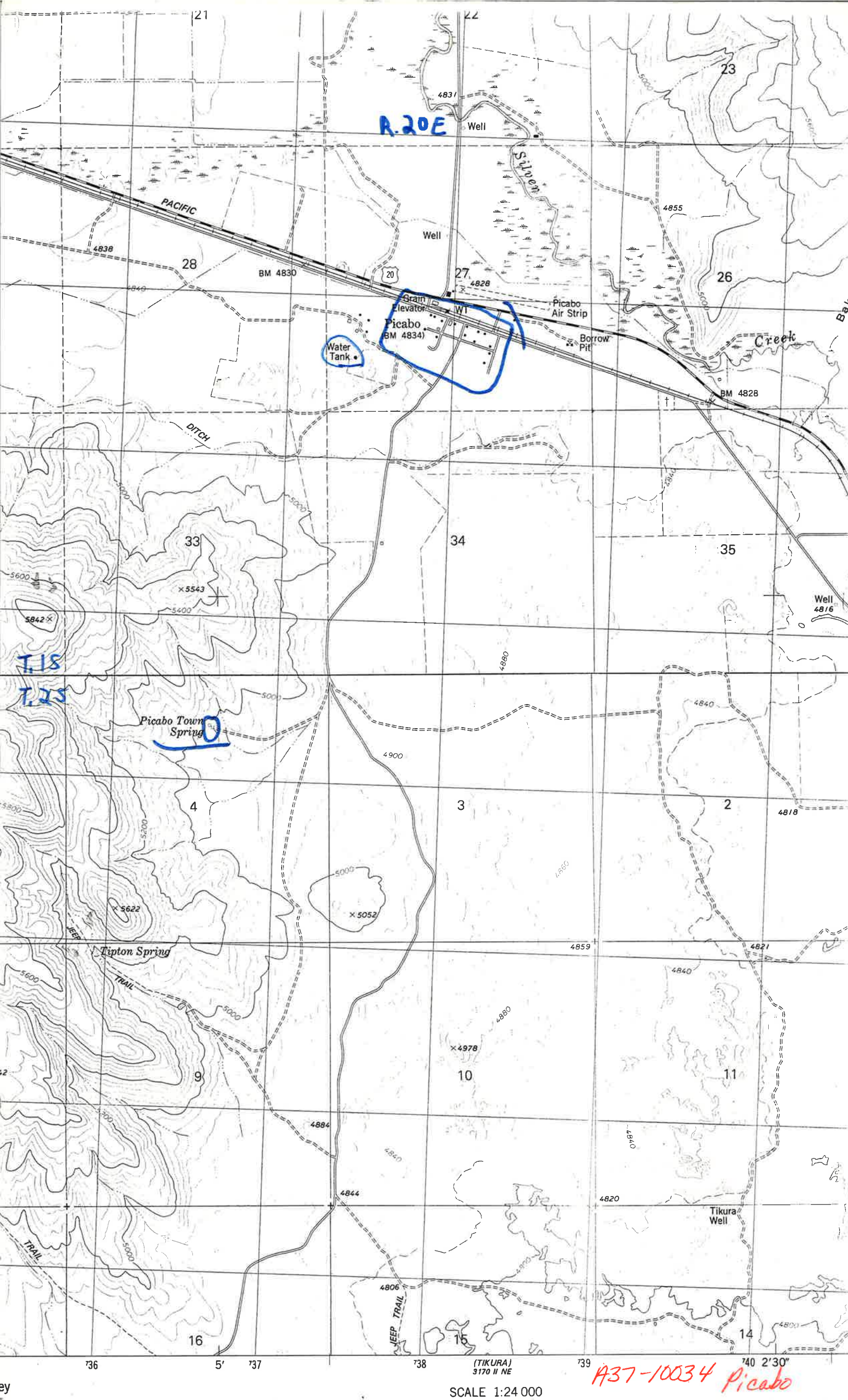
1- <u>F. L. Porter</u>	6- <u>Alice Kime</u>	11- _____
2- <u>Marvin Porter</u>	7- <u>Vernie Atwood</u>	12- _____
3- <u>James Crowley</u>	8- <u>Rudolf Klein</u>	13- _____
4- <u>Mike Porter</u>	9- _____	14- _____
5- <u>Carl Porter</u>	10- _____	15- _____

Witnessed by Notary Public _____ Date _____

Commission expires _____

ACKNOWLEDGEMENT

STATE OF IDAHO,)
County of Blaine, ss



SAVED TO
RECEIVED
NOV 22 2006
MAIL FROM ZIP CODE 83701

ADDRESS SERVICE
REQUESTED ?

FIRST CLASS



UNITED STATES POSTAGE
POSTAGE & SERVICES
02 1A
0004310839
NOV 22 2006
\$ 00.87
MAILED FROM ZIP CODE 83701

address
years ?

RECEIVED
NOV 28 2006
DEPT.
WATER RES. AC.

37-10034

PICABO WATER USERS ASSN
C/O JANET OCROWLEY

[REDACTED]

Box 17

11/09/2006

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

RIGHT NUMBER: 37-10034

NAME AND ADDRESS: PICABO WATER USERS ASSN
C/O JANET OCROWLEY
P O BOX 705
PICABO ID 83348

SOURCE: PICABO TOWN SPRING

TRIBUTARY: SINKS

QUANTITY: 0.134 CFS

PRIORITY DATE: 06/15/1912

POINT OF DIVERSION:

T02S R20E S4 SWNWNE Lot 2 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.134 CFS
COMMERCIAL	01/01 12/31	0.020 CFS

PLACE OF USE: COMMERCIAL in BLAINE County

T01S R20E S27 NWSE

DOMESTIC in BLAINE County

T01S R20E S27 NESW

T01S R20E S27 SESW

T01S R20E S27 NWSE

T01S R20E S27 SWSE

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

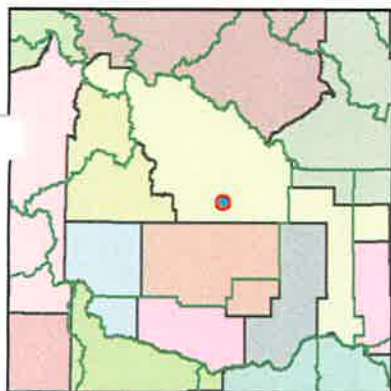
SRBA Recommendation:

37-10034

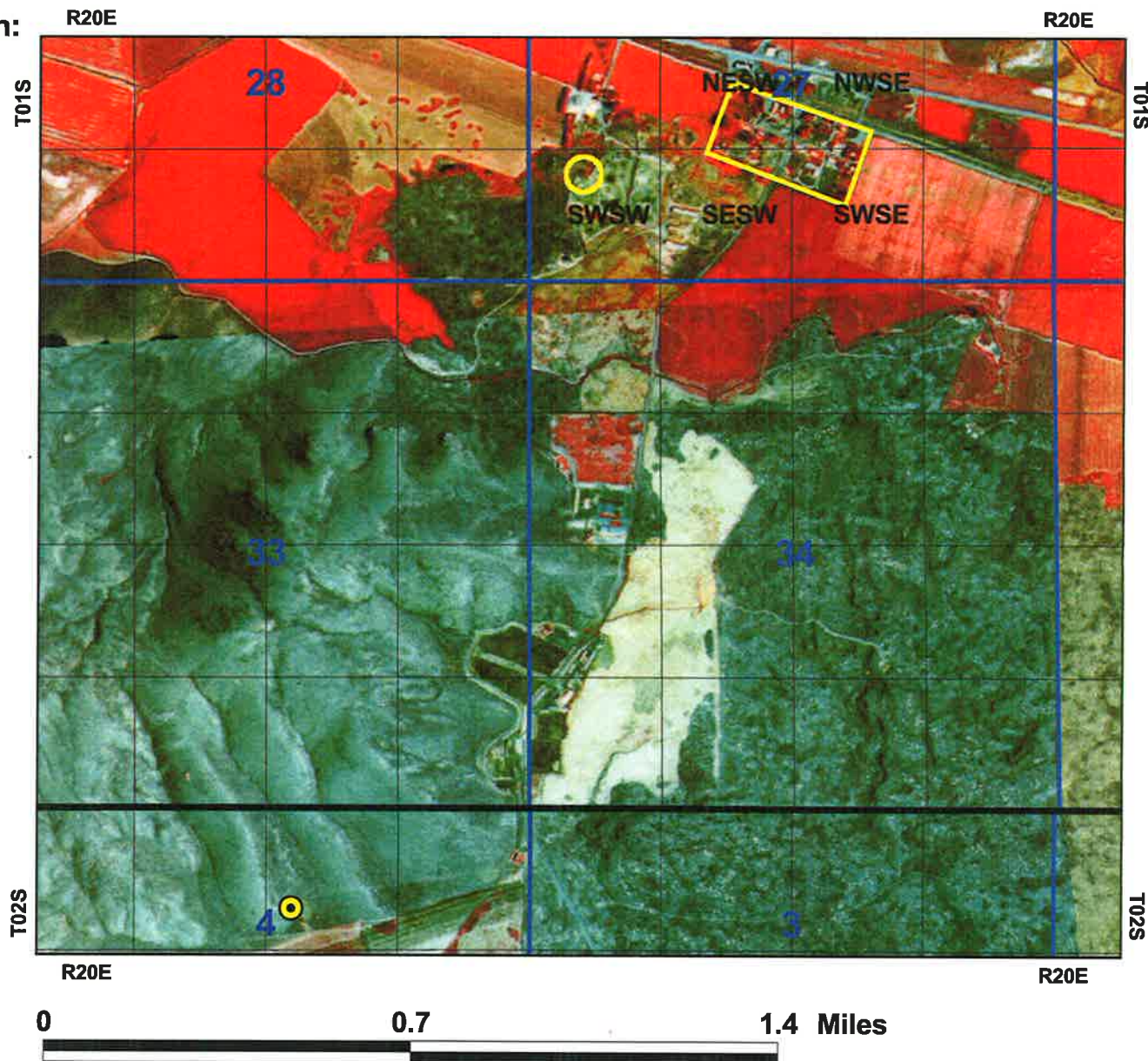
(Commercial)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by S. Clelland
On Thursday, November 9, 2006
1987/88 Aerial Photography

Talked w/ Jim Lyons

384-5122

10/24/05

- He said Oregon Short Line arrived in 1883
- He said the railroad arrived in Pricabo in 1882
 - this is before Oregon Short Line because they were starting to ship ore to the Oregon Short Line station & stock piling it so they could get it out ASAP
- He is still working on get evidence for when the RR arrived in Pricabo. He think the Purdy family may have some records

Talked w/ Carter

10/7/05

- The Railroad never filed a claim on this water use w/ state
- probably didn't file w/ Co of Affairs

~~they can claim the water~~

- they can get the original priority date that the RR

started using the water, but they need to document

1) when the tank was built

~~they can't claim the water~~

2) when it ~~was~~ transferred to municipal

Then they can do a change of use from industrial

to municipal because the industrial use was consumptive

- livestock (sheep) shipped from Pizaboo

Picabo Water User Assn.

37-10034

9/29/05 Jim Lyons called 208-384-5122

↳ Attorney

He thinks the ~~Oregon~~ ^{Oregon} Short Line Railroad filed a claim on posted notice for a water tank at Picabo. The filing was probably around 1886 at Alturas County (which was dissolved in that area is part of Blaine Co)

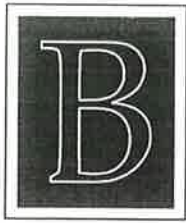
- The railroad later abandoned the line & transferred the water right to Picabo residents/businesses
- Picabo Water Users Assn. filed a statutory claim for this water
- Jim wants to find the original RR claim & he asked me to look here at the state office

Picabo located on

T1S R20E Sect 27

Spring "Picabo Town Spring" located

T2S R20E Sect 4



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 26, 2005

Mr. Doug Jones
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
APR 28 2005
Department of Water Resources
Southern Region

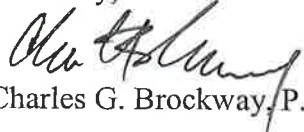
Re: 37-10047 Evidence of Priority

Dear Doug:

Enclosed is a portion of a contract dated June 15, 1912 regarding construction of the Picabo water system, which includes an engineering drawing of the water tank which the spring supplied dated February 8, 1910. The contract indicates that the spring was "heretofore used" as a water supply, and references the "present line of pipe from said spring to said tank." This verbiage indicates that the line from the spring was pre-existing and that the spring had been used as a water supply prior to the date of the contract.

If you need anything further regarding this claim, please do not hesitate to contact me.

Cordially,


Charles G. Brockway, P.E.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Enc.
cc: Nick Purdy w/o enc.

RECEIVED

APR 28 2005

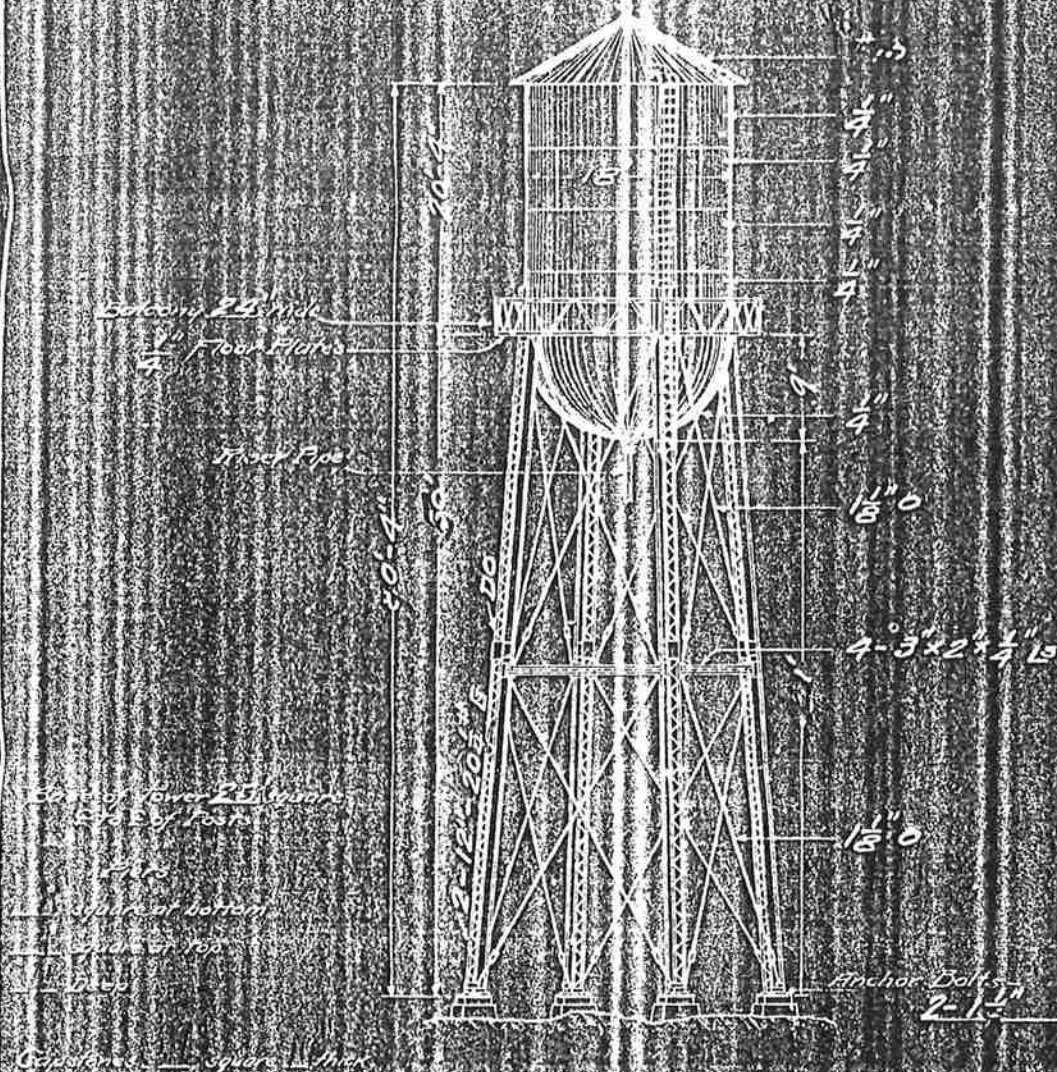
THIS MEMORANDUM OF AGREEMENT, Made this 18th day of June, 1912, Department of Water Resources, Boise, Idaho

by and between Inter-Mountain Bridge & Construction Company, a partnership consisting of G. A. Dunlap and Peter Asplund, of Tecumseh, Nebraska, First Party, and Kilpatrick Brothers Company, a Corporation duly organized under the laws of the State of Nebraska and duly authorized to transact business in the State of Idaho, Second Party:

WITNESSETH: That for the consideration hereinafter specified to be paid by second party to first party, the first party hereby agrees to furnish all material and do all the labor necessary to construct and complete in a good and workmanlike manner and to the entire satisfaction of second party a water works system at Pico, Idaho, and connections therewith, which system shall be constructed in the manner and consist of various parts hereinafter described, to-wit:

Approximately 9600 feet of 3" wire wound wooden pipe of manufacture satisfactory to second party, extending from the spring south of Pico, now and heretofore used by second party as a water supply, to the water tank hereinafter described; the trench in which is situated the second party's present line of pipe from said spring to said tank shall be excavated to a depth of at least four feet and the said new pipe installed and properly connected with said spring and said tank. First party shall excavate the second party's present line of pipe extending from said water tank, for a distance of approximately 3500 feet by the ranch house and extending down to and beyond second party's store at the station of Pico, Idaho, an approximate distance of 3500 feet; said excavation to be made to a depth of five feet and new 6" wire wound wooden pipe, of manufacture satisfactory to second party, installed in bottom of the trench, so excavated and properly connected with said tank hereinafter described and proper connections made from said pipe with all points where water is being used at present upon property of second party. The present line of pipe shall be removed from all of the trench so excavated, but said work of removal shall be carried on in such manner and in such relation to the installing of new pipe that the supply of water to the points at which the same is now used on second party's ranch and at Pico, shall be in no wise interrupted. The material refilled into said trench in the immediate proximity of the said pipe shall be carefully tamped and the remainder of the material from such trench refilled satisfactorily to second party.

Station 29



PROPOSAL SKETCH
WATER TOWER
KENNICOTT
WATER SOFTENER CO.
CHICAGO HEIGHTS ILL.

DATE 2-8-10

DRAWING No. 3502-50-64

- Nelson, Anton, 180 inches, May 20, 1889, Fallsade Creek.
 Nelson, Brigham W., 160 inches, June 1, 1899, Willow Creek.
 Nelson, Chris, The Sunndell Irrigation Canal Company.
 Nelson, David, 434 inches, Apr. 1, 1898, Teton River, through Nelson-Jacobs Ditch.
 Nelson, David, 216 inches, May 1, 1885, Teton River, through Nelson-Jacobs Ditch.
 Nelson, Fritz E., 120 inches, April 15, 1898, Spring Creek.
 Nelson, James D., The Sunndell Irrigation Canal Company.
 Nelson, James D., 300 inches, June 1, 1887, Bannock Jim Slough.
 Nelson, J. O., The Farmers' Friend Canal Company.
 Nelson, John, 160 inches, June 20, 1891, Hulls Slough, Boone Creek, Johnson Dam.
 Nelson, Joseph, The Farmers' Friend Canal Company.
 Nelson, N. F., 120 inches, May 1, 1903, McTuckers Springs.
 Nelson, Peter J., The Farmers' Friend Canal Company.
 Nelson, Soren, and Stephen J., and William Summers, 670 inches, June 10, 1885, Dry Bed Channel of South Fork of Snake River.
 New Lavaside Ditch Company, 1,000 inches, June 1, 1884, Snake River.
 New Lavaside Ditch Company, 3,000 inches, Mar. 1, 1889, Snake River.
 New Lavaside Ditch Company, 3,600 inches, Nov. 24, 1890, Snake River.
 Newman, A. W., The Farmers' Friend Canal Company.
 Newman, John H., The Farmers' Friend Canal Company.
 Newman, Mrs. John, The Farmers' Friend Canal Company.
 New Sweden Irrigation District, 6,000 inches, Jan. 7, 1886, Snake River.
 New Sweden Irrigation District, 20,000 inches, Jan. 24, 1891, Snake River.
 Nickerson, E. F., 100 inches, June 30, 1903, Big Elk Creek.
 Niederer, Emil, The Sunndell Irrigation Canal Company.
 Nielson, H. B., 1,000 inches, June 1, 1883, Snake River.
 Nolan, Carrie, widow of A. D. Nolan, deceased, North Salem Agricultural & Milling Canal Company.
 Nord, James O., 240 inches, June 1, 1890, Snake River.
 Nordval, C., 50 inches, June 1, 1895, Darby Creek.
 Nordval, C., 110 inches, May 26, 1899, Darby Creek.
 North Rigby Irrigation Company, 2,500 inches, June 10, 1883, South Fork of Snake River.
 North Salem Agricultural & Milling Canal Company, 1,325 inches, June 1, 1888, Teton River, as a high water right until July 1st of each year.
 Nowlin, Jabez, Sr., The Farmers' Friend Canal Company.
 Nugent, L. A., 80 inches, May 1, 1903, McTucker Springs.
- O.
- Oakden, Robert, 160 inches, June 1, 1893, Rainey Creek.
 O'Brien, James A., 100 inches, June 1, 1891, North Leigh Creek.
 Olsen, James, North Salem Agricultural & Milling Canal Company.
 Olive, O. H., 600 inches, June 1, 1889, Bannock Jim Slough.
 Olive, O. H., 160 inches, May 1, 1905, Bannock Jim Slough.
 Olmstead, Henry M., Wyoming & Darby Bench Canal Company.
 Orme, Samuel W., Pioneer Ditch Company.
 Orr, Robert, Watson Slough Irrigation Company.
 Osborn, R. A., 120 inches, June 1, 1895, Monet Springs, Guy Springs, Middle Springs, and East Springs.
 Osborn, R. A., 120 inches, June 1, 1902, Monet Springs, Guy Springs, Middle Springs, and East Springs.
 Ossman, Oscar, North Salem Agricultural & Milling Canal Company.
- P.
- Pack Saddle Reservoir Company, 1,250 inches, Jan. 15, 1904, North Fork of Pack Saddle Creek.
 Pack Saddle Reservoir Company, 900 inches, South Fork of Pack Saddle Creek.
 Palmer, Henry, Watson Slough Irrigation Company.

Palmer, Henry M., 160 inches, May 13, 1888, Snake River, through Watson Slough.

Park, Andrew, The Farmers' Friend Canal Company.

Parker, B. F., 15 inches, June 1, 1895, Fox Creek.

Parker, B. F., 120 inches, June 1, 1897, Fox Creek.

Parker, B. F., 75 inches, June 1, 1899, Fox Creek.

Parks & Lewisville Canal Company, 1,000 inches, June 1, 1883, South Fork of Snake River.

Parks & Lewisville Canal Company, 1,000 inches, June 1, 1884, South Fork of Snake River.

Parks & Lewisville Canal Company, 5,000 inches, June 1, 1885, South Fork of Snake River.

Parks & Lewisville Canal Company, 12,000 inches, June 1, 1888, South Fork of Snake River.

Parsons Ditch Company, 1,100 inches, June 30, 1885, Snake River.

Parsons, E. M. (See Nord and Hatfield.)

Parsons, Isham A., Wearyrick Ditch Company.

Parsons, F. W., 160 inches, June 15, 1889, Trail Creek.

Pascoe, E., 160 inches, June 1, 1896, Darby Creek.

Pascoe, W. R., 160 inches, June 15, 1896, Darby Creek.

Paul, John, 15 inches, June 1, 1890, Springs on land.

Paul, William H., 60 inches, June 1, 1890, Little Springs and Deep Creek.

Payne S. L., 480 inches, Apr. 22, 1895, Boone Creek.

Pehrson, Neils, 30 inches, June 1, 1899, South Leigh Creek.

Pherson, Neils, 100 inches, June 1, 1903, South Leigh Creek.

Pherson, Neils, The Farmers' Friend Canal Company.

Pendleton, Abraham, 80 inches, June 1, 1897, North Leigh Creek.

Pendleton, Abraham, 80 inches, June 1, 1899, North Leigh Creek.

Penfold, Algeroy, 100 inches, June 1, 1897, Fox Creek.

Penfold, Farley, 20 inches, June 1, 1896, Fox Creek.

Penfold, Farley, 100 inches, June 1, 1897, Fox Creek.

Peoples Canal & Irrigation Company, The, 20,000 inches, Aug. 18, 1894, Snake River.

Perry, Jeremiah C., 80 inches, June 1, 1897, North Leigh Creek.

Perry, M. R., and R. V. McBain and William H. Dunlap, 710 inches, May 1, 1904, Conant Creek.

Peterson, Carl, The Sunnyside Irrigation Canal Company.

Peterson, Chris, 160 inches, June 1, 1896, Trail Creek.

Peterson, G. W., Enterprise Canal Company.

Peterson, L. P., 160 inches, June 1, 1896, Darby Creek.

Peterson, Otto, The Farmers' Friend Canal Company.

Peterson, S. O., 120 inches, June 1, 1893, Conant Creek.

Peterson, S. O., 40 inches, June 1, 1899, Conant Creek.

Phillips, L. A., 20 inches, Sept. 1, 1901, Spring Creek.

Phillips, L. A., 80 inches, June 1, 1904, Badger Creek.

Phillips, Thomas A., 160 inches, June 1, 1902, Badger Creek.

Phillips, Thomas H. (See Robert Blamires.)

Pine Creek Canal Company, 1,100 inches, June 1, 1902, Pine Creek.

Pincock-Byington Ditch Company, 700 inches, April 1, 1898, Teton River.

Pincock-Byington Ditch Company, 356 inches, Mar. 1, 1884, Teton River.

Pincock, George A. (See Martin L. Bird and Pincock-Byington Ditch Company.)

Pioneer Ditch Company, 900 inches, Apr. 1, 1898, Teton River.

Pioneer Ditch Company, 528 inches, May 1, 1883, Teton River.

Pitkin, Colton, Roxana Canal Company.

Podlatis, Mary, Parsons Ditch Company.

Poll, William, The Farmers' Friend Canal Company.

Porter, John, 75 inches, June 15, 1897, Trail Creek.

Poulson, J. C., 130 inches, June 1, 1898, North Leigh Creek.

Powell, W. J., 40 inches, June 1, 1903, Trail Creek.

Twin Groves Irrigation Company. (See Chester Canal.)**U.****Uden, Ernest W., 75 inches, June 1, 1902, Southwest Fork of Elk Creek.****V.****Vail, J. R., 160 inches, June 1, 1896, Fox Creek.****Vail, W. C., 120 inches, June 1, 1897, Fox Creek.****Vail, W. C., 100 inches, June 1, 1897, Fox Creek.****VanLeuven, William, 160 inches, June 15, 1897, South Leigh Creek.****Victor Townsite, (To Nahum Curtis, Davis Cheney, and Edwin Rice, Trustees), 320 inches, June 1, 1896, Trail Creek.****W.****Waddell, Mrs. L. E., 200 inches, Sept. 1, 1891, Teton Creek.****Wagstaff, A. J., The Farmers' Friend Canal Company.****Wait, F. A., 160 inches, May 25, 1898, Leigh Creek.****Wakeman, Herman, 240 inches, July 1, 1886, Myers Creek.****Walker, F. E., Parsons Ditch Company.****Wall, George L., 80 inches, Oct. 15, 1900, Wall Springs.****Wall, George L., 40 inches, Aug. 20, 1901, Tom Creek.****Wallace, H. A., 40 inches, Jan. 18, 1904, North Leigh Creek or Spring Creek.****Walters, William, 332 inches, Apr. 1, 1898, Teton River. (Stewart & Walters Ditch.) (Joint appropriation with Mons H. Anderson.)****Walters, William, 168 inches, June 1, 1888, Teton River. (Stewart & Walters Ditch.) Joint appropriation with Mons H. Anderson.)****Walton, Danla, 120 inches, June 1, 1896, Darby Creek.****Walton, D. O., 20 inches, June 1, 1889, Darby Creek.****Walton, D. O., 140 inches, June 1, 1890, Darby Creek.****Walton, George, 100 inches, June 1, 1892, Paradise Springs.****Wanless, Sarah A., 140 inches, May 1, 1888, Boone Creek.****Ward, C. G., Roxana Canal Company.****Ward, Charles H., Roxana Canal Company.****Ward, R. A., and Jessie N., 80 inches, May 1, 1903, McTuckers Springs and Hulls Slough.****Ward, Jessie N., 250 inches, June 11, 1889, Hulls Slough-Boone Creek.****Ward, W. A., Roxana Canal Company.****Waterman, L. C., 120 inches, June 1, 1897, South Leigh Creek.****Waterman, L. C., 40 inches, June 1, 1901, Little Dry Creek.****Watson, Robert. (Transferred to Thomas W. Lloyd.)****Watson Slough Ditch Company, Limited, 3,500 inches, Mar. 6, 1885, Snake River.****Watson Slough Irrigation Company, 2,500 inches, July 15, 1888, Snake River.****Wearyrick Ditch Company, 1,900 inches, May 3, 1886, Snake River.****Weavering, Daniel J., Enterprise Canal Company.****Webster, James W., and Charles H. Woodmansee, 6 cubic feet, May 23, 1903, Moody Creek.**

(The right to this water is for reservoir purposes, and said parties are to take the water between the first day of September in each year until the first day of May of the following year.)

Webster, James W., and Charles H. Woodmansee, 40 cubic feet, May 23, 1903, Moody Creek.

(The right to this water is for reservoir purposes, and said parties are to take the water between the 15th day of March in each year until the 15th day of June in each year.)

Webster, J. L., Enterprise Canal Company.**Wedekind, George, 160 inches, Apr. 7, 1890, Pritchard Creek.****Wedekind, R. R., 160 inches, June 23, 1897, Pritchard Creek.****Weeks, Hurum J., 50 inches, June 1, 1899, Palisade Creek.****Weeks, Samuel C., 165 inches, Aug. 20, 1890, Palisade Creek.****Weeks, Samuel C., 40 inches, May 1, 1892, Palisade Creek.**



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