

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: A37-10156
Date Received: 6/17/1988
Receipt No: S000458
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES J. MAY 208-788-3689
Address: BOX 729
HAILEY, ID 83333
AND/OR
Name: BARBARA E. MAY 208-788-3689
Address: BOX 729
HAILEY, ID 83333

2. Date of Priority: OCT 08, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	2		NW	NE		BLAINE

5. Description of diverting works:
138' WELL, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/

A37-10156

Page 1

Date: 06/17/88

MICROFILMED

FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	2	NW	NE	IRR	3.0
			NW	NE	DOMEST	

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 ☒ 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):

James J. Ray

Date: 6/17/88

Date: _____

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 17th day

of June 19 88

Mary G. Baldwin
Notary Public

Seal

Residing at

Gooding, Id

My Commission Expires

10-16-92

06/21/2005

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

RIGHT NUMBER: 37-10156
NAME AND ADDRESS: JAMES J MAY
BOX 729
HAILEY ID 83333

BARBARA E MAY
BOX 729
HAILEY ID 83333

VERIFIED BY KKC

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.060 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 10/08/1971
POINT OF DIVERSION:

T01N R18E S2 NWNE 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	0.060 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T01N R18E S02 NWNE

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: Beneficial Use



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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 21, 2005

MAY, SUDWEEKS AND BROWNING LLP
1419 W WASHINGTON
PO BOX 6091
BOISE ID 83707

COPY

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 37-10156

Dear Mr May

I have reviewed the two affidavits submitted to establish the evidence of priority for the above listed claim. In item 3 of Kay Williams' affidavit she states that the irrigation began in 1972.

Unfortunately the state of Idaho passed the mandatory permit statute for diversions from groundwater for non-domestic uses on Mar 25, 1963. Based upon the affidavit and the mandatory permit statute I am unable to recognize a beneficial use for irrigation. Therefore, I am recognizing the domestic portion of the claim. This does include up to 1/2 acre of irrigation.

42-111. DOMESTIC PURPOSES DEFINED. (in part)

- (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:
 - (a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or
 - (b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.
- (2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

If you have any questions you can contact me as listed above.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

RECEIVED

JUN 14 2005

Department of Water Resources

May, Sudweeks & Browning, LLP

Attorneys at Law

JAY D. SUDWEEKS, PC
J. DEE MAY, PC
BART D. BROWNING, CHTD.
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516 Hansen Street East
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83303
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Facsimile (208) 733-7967

jmay@may-law.com

June 14, 2005

VIA HAND DELIVERY

Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83720

RECEIVED
JUN 17 2005
Department of Water Resources
Southern Region

RE: Claim number 37-10156

Dear Idaho Department of Water Resources:

Enclosed please find the following proof of the beneficial use regarding the above-referenced claim for James J. May & Barbara May:

- **Affidavit of Kay Williams**
- **Affidavit of James J. May**

Please Contact me with any questions.

Very truly yours,

MAY, SUDWEEKS & BROWNING, LLP


J. Justin May

cc: Idaho Department of Water Resources Southern Region,
James J. May & Barbara May

SCANNED

JUN 15 2005

STATE OF IDAHO)
 : ss.
County of Adams)

Kay Williams, being sworn, says:

1) I am a resident of Adams County, Idaho, over 18 years of age, and make this Affidavit of my own personal knowledge.

2) In 1971, my husband Forrest Williams and I were the owners of a parcel of real property in Blaine County, which is more particularly described on attached Exhibit "A" (the "Property") and consists of approximately three acres.

3) Forrest and I built a residence on the Property in 1971 and shortly thereafter in 1972 began irrigating the lawn and pasture located on the Property with ground water.

4) We continued to irrigate the Property until 1987, when we sold the Property to James and Barbara May.

DATED This 31st day of May, 2005.

Kay Williams
Kay Williams

SUBSCRIBED AND SWORN To before me this 31st day of May 2005.

Stacy Swift Dreyer
Notary Public for State of Idaho
Residing at New Meadows therein.
Commission Expires: 3-17-2011

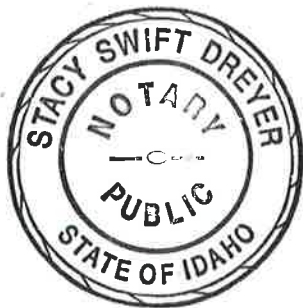


EXHIBIT A

A Parcel of Land in the NE ½ of Section 2, Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at a 2- Inch iron pipe marking the East Quarter corner of said section 2:

Thence N. 89° 42' W., 1,320.00 feet; thence N. 0° 13' E., 1,345.74 feet; thence N. 89° 42' W., 150.00 feet; thence N. 23° 63' W., 109.34 feet; thence N. 22° 10' W., 99.66 feet to the Real POINT OF BEGINNING.

Thence N. 89° 42' W., 300.00 feet; thence N. 22° 10' W., 429.92 feet; thence S. 89° 42' E., 300.00 feet; thence S. 22° 10' E., 429.92 feet to the TRUE POINT OF BEGINNING.

STATE OF IDAHO)
 : ss.
County of Blaine)

James J. May, being sworn, says:

1) I am a resident of Blaine County, Idaho, over 18 years of age, and make this Affidavit of my own personal knowledge.

2) My wife Barbara and I are the owners of a parcel of real property located in Blaine County, Idaho which is more particularly described on attached Exhibit "A" (the "Property") and consists of approximately three acres.

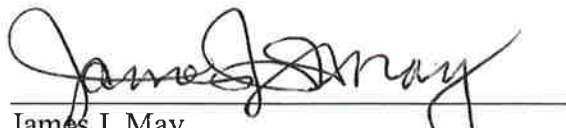
3) We purchased the Property in June, 1987 from Forrest and Kay Williams.

4) When we purchased the Property, the Williams were irrigating the lawn and pasture located on the Property with ground water.

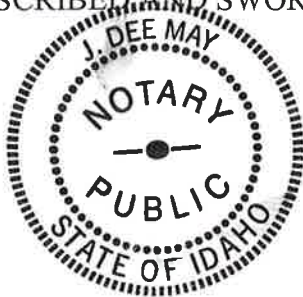
5) Since purchasing the Property in 1987, we have continued to irrigate the lawn and pasture on the Property with ground water from the well located on the Property. We also use ground water from the well located on the Property for domestic purposes on Property.

6) The total diversion rate for domestic and irrigation uses is .06 cfs.

DATED This 9th day of June 2005.


James J. May

SUBSCRIBED AND SWORN To before me this 9th day of June 2005.



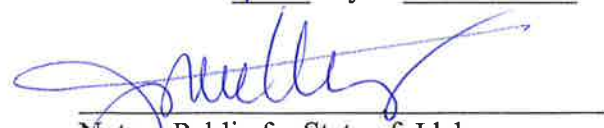

Notary Public for State of Idaho
Residing at Twin Falls, therein.
Commission Expires: 11/2/05

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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

April 15, 2005

KARL J. DREHER
Director

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