

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: A37-10216

Date Received: 6/22/1988

Receipt No: M000171

Received By: OWNER CHANGE

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MAX L AUKER
Address: 586 E 270 S
DIETRICH ID

83324

AND

Name: WENDY AUKER
Address: 586 E 270 S
DIETRICH ID

83324

2. Date of Priority: MAR 1, 1900

3. Source: WELL

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	18E	14	SE	SW	SW		LINCOLN

5. Description of diverting works:

WELL, 5 HP PUMP 100 GPM CAP, 2" PIPE, 244' DEPTH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.140		
STOCKWATER	01/01	12/31	0.330		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

ONE DOMESTIC HOUSEHOLD, DAIRY FACILITIES, 500 DAIRY COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	18E	14	SW	SW		DOMEST	
			SW	SW		STOCK	
			SW	SW		COMMER	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:

07/13/99, CHANGED OWNERSHIP: SHAW TO AUKEER PER WARRANTY DEED AND
FORM 1409(6) REC'D 04/05/99. C.T.

15. Basis of Claim: 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

SOUTHERN REGION

August 26, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

MAX L AUKER
WENDY AUKER
586 E 270 S
DIETRICH ID 833241

SRBA Claim(s) A37-10216

Dear Claimant(s):

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claims to you.

Please find the enclosed copies of the computer record of the claims noting the change in claimant. Review these records and if there is an error, please contact this office.

Sincerely,

Cheryl E. Timm
Records Clerk, SRBA

AJ0749NP
No. A37-10216

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/13/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAX L AUKER	03/01/1900	STOCKWATER	01-01 12-31	0.33 CFS	
C	WENDY AUKER		COMMERCIAL	01-01 12-31	0.14 CFS	
	586 E 270 S		DOMESTIC	01-01 12-31	0.04 CFS	
	DIETRICH ID 83324					
TOTAL DIVERSION:					0.51 CFS	

Water Source: WELL

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R18E S14

SESWSW

LINCOLN County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	18E	14	:											S					

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	18E	14	:											C					

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	18E	14	:											D					

POU County: LINCOLN

Non-Irrigation Uses: ONE DOMESTIC HOUSEHOLD, DAIRY FACILITIES, 500 DAIRY COWS

Other Rights: NONE

Remarks: GEN 07/13/99, CHANGED OWNERSHIP: SHAW TO AUKER PER WARRANTY DEED AND
FORM 1409(6) REC'D 04/05/99. C.T.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Handwritten signature/initials.

"A" only

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED**APR 05 1999**Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) AJ0749NP
Adjudication Claim Number(s) A37-10216
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE**, or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually on file with the county.) **OR**
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a **USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) WM. Hubert Shaw and Rita Shaw
411 S. 750 E., Dietrich, ID 83324
4. New Owner/Claimant(s) MAX L. AUKEK AND WENDY AUKEK
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 586 East 270 South
City, State and ZIP Code DIETRICH, ID 83324
New Telephone Number () -
5. Date you acquired the property March, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)
Max L. Auker Date 3-25-99
Wendy Anne Auker Date 3-25-99
Wendy Auker
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

o/c 7/13/99 ct
VJH

RECEIVED

APR 05 1999

Department of Water Resources
Southern RegionAJ0749MP
No. A37-10216IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)DATE: 03/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WM HUBERT SHAW	03/01/1900	STOCKWATER	01-01 12-31	0.33 CFS	
C	RITA SHAW		COMMERCIAL	01-01 12-31	0.14 CFS	
	411 SO 750 E		DOMESTIC	01-01 12-31	0.04 CFS	
	DIETRICH ID 83324					
	(208) 544-7534					
TOTAL DIVERSION:					0.51 CFS	

Water Source: WELL

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R18E S14

SESWSW

LINCOLN County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	18E	14	:												

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	18E	14	:												

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	18E	14	:												

POU County: LINCOLN

Non-Irrigation Uses: ONE DOMESTIC HOUSEHOLD, DAIRY FACILITIES, 500 DAIRY COWS

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

WARRANTY DEED

RECEIVED

#GL-01146

APR 05 1999

Department of Water Resources
Southern Region

For Value Received

WILLIAM HUBERT SHAW, also known as Hubert Shaw, and RITA SHAW, also known as Rita S. Shaw, HUSBAND AND WIFE

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MAX L. AUKER and WENDY ANNE AUKER, HUSBAND and WIFE
Address: 586 EAST 270 SOUTH, DIETRICH, ID 83324

Hereinafter called the Grantee, the following described premises situated in LINCOLN County, Idaho, to-wit:

SEE ATTACHED SCHEDULE A

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto including but not limited to 15.0 shares of capital stock of the Big Wood Canal Company, and also including any licensed domestic or irrigation water rights, licenses with the State of Idaho.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1999 and subsequent years, which are a lien, but not yet due and payable. 

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by  law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Easement given by A. J. Lindemer and Frances Lindemer, husband and wife, to The American Telephone and Telegraph Company of Wyoming and its associated and allied companies, dated June 3, 1941, recorded September 15, 1941 in Book 5 Agreements at Page 125, Lincoln County records, affecting the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 6 South, Range 18 East, Boise Meridian. (Parcel No.1)

Easement given by A. M. Casper, a bachelor, to The American Telephone and Telegraph Company of Wyoming, dated May 29, 1941, recorded September 15, 1941 in Book 5 at Page 126 as Instrument Number 81137, Lincoln County records, affecting SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 6 South, Range 18 East, Boise Meridian. (Parcel No. 2)

Easement given by Big Wood Canal Company to The American Telephone and Telegraph Company of Wyoming and its associated and allied companies, dated September 1, 1941, recorded January 5, 1942 as Instrument Number 81612, Lincoln County records, affecting Section 14, Township 6 South, Range 18 East, Boise Meridian. (Parcel No. 1 and 2)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 25, 1999

William Hubert Shaw
WILLIAM HUBERT SHAW

Rita S. Shaw
RITA S. SHAW

RECEIVED

APR 05 1999

Department of Water Resources
Southern Region

166684

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of

William Hubert Shaw

APR - 1 1999

at 29 minutes past 10:4 AM

recorded by Nelson Jackson, Dep.

Fee 2.00 Return to: Above

By hand.

STATE OF IDAHO)
COUNTY OF Jerome) ss.

On this 25 day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared William Hubert Shaw and Rita S. Shaw, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Lisa C. Ritter

Notary Public
Residing at: Hagerman, ID
My Commission expires: 10-08-04

LISA C. RITTER
NOTARY PUBLIC
STATE OF IDAHO

SCHEDULE A

Order Number: GL-01146

PARCEL NO. 1

**TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO**

**Section 14: SW $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM a parcel of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
described as follows:**

Beginning at the Northwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ from which the corner of said
Section 14 bears South 0°01' East, 1310.34 feet;
Thence along the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, South 89°53' East, 1320.53 feet to
the Northeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence along the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, South 0°01' East, 479.69 feet;
Thence North 87°30' West, 1321.82 feet to a point on the West line of said
Section 14;
Thence North 0°01' West, 425.14 feet TO THE POINT OF BEGINNING.

PARCEL NO. 2

**TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO**

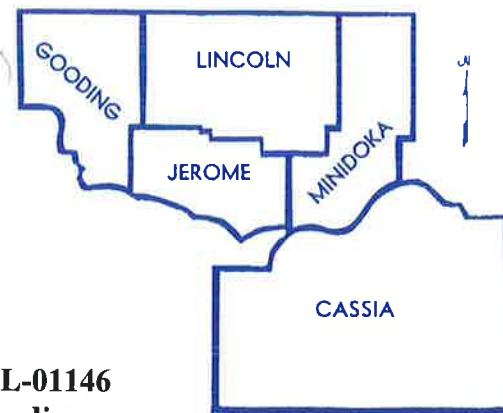
Section 14: A parcel of land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section, described as follows:

Beginning at the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14 from which the
Southwest corner of said Section bears North 89°46' West, 1320.59 feet;
Thence along the West line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, North 0°01' West,
767.92 feet;
Thence South 88°44' East, 185.79 feet;
Thence South 3°29' West, 765.78 feet to a point on the South line of said Section 14;
Thence North 89°46' West, 139.03 feet to THE POINT OF BEGINNING.

Handwritten signature and initials, possibly "AA" and "LAA", in black ink.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



April 2, 1999

REFER TO: GL-01146
OFFICE: Gooding

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

RECEIVED

APR 05 1999

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Shaw to Auker
Cert. Mail #Z 321 168 642

Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 166684
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.

Keri Craig
Keri Craig

Escrow Assistant
(208) 934-8477

P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0608 - FAX 436-1199

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: A37-10216
Date Received: 6/22/1988
Receipt No: M000171
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WM. HUBERT SHAW 208-544-7534
Address: 411 SO 750 E
DIETRICH, ID 83324

OR

Name: RITA SHAW 208-544-7534
Address: 411 SO 750 E
DIETRICH, ID 83324

2. Date of Priority: MAR 01, 1900

3. Source: WELL Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	18E	14	SE	SW	SW		LINCOLN

5. Description of diverting works:
WELL, 5 HP PUMP 100 GPM CAP, 2" PIPE, 244' DEPTH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.140		
STOCKWATER	01/01	12/31	0.330		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE DOMESTIC HOUSEHOLD, DAIRY FACILITIES, 500 DAIRY COWS

A37-10216

Page 1

Date: 06/22/88

MICROFILMED

FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	18E	14	SW	SW		DOMEST	
			SW	SW		STOCK	
			SW	SW		COMMER	

11. Place of use in counties: LINCOLN

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): W. H. Shaw Date: 6-22-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 88 Low White
Notary Public

Seal

Residing at Twin Falls
My Commission Expires 5/95

WM. Hubert Shaw

WELL #1

TOGS R18E

14

POD
POU

23

MICROFILMED

FEB 24 1993

721 17' 30"

722

723

724000m E

114° 15'

05/02/2002

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

RIGHT NUMBER: 37-10216

NAME AND ADDRESS: MAX L AUKER
586 E 270 S
DIETRICH ID 83324

WENDY AUKER
586 E 270 S
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1900

POINT OF DIVERSION:

T06S R18E S14 SESWSW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.090 CFS
STOCKWATER	01/01 12/31	0.090 CFS

PLACE OF USE: DOMESTIC Within LINCOLN County

T06S R18E S14 SWSW

STOCKWATER Within LINCOLN County

T06S R18E S14 SWSW

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

37-10216
T6S R18E S14

SWSW

ONLY
POU 1/2

POD

5/2/02
SCC



GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-10216
DATE: 5-2-02
BY: SCC

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (5) \times (0.70)}{[(2.44) + (50 \times 2.31)]} = \frac{30.8}{359.5} = .09 \text{ cfs}$$

<u>LIFT FROM:</u>	<u>PSI FROM:</u>	<u>NOTES ON PUMP:</u>
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
Booster (Y) (N)		

REMARKS

Claim says "100 gpm" = 0.22 cfs capacity (Assumes No Load)

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	CV-DV	
5/01-09/30	153	2-3	
4/15-10/15	184	2.5-3.5	POTENTIAL = (.....) X (1.98) X (.....)
4/01-10/31	214	3-4	
3/01-11/30	275	VARIES	(.....)
3/15-11/15	246	VARIES	POTENTIAL =

REQUIRED Acre Feet/Acre/Annum =
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()
IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-10216
MAX L AUKER
586 E 270 S
DIETRICH, ID 83324

March 4, 2002

Re: Evidence of Priority Date for SRBA Claim

RESPONSE DEADLINE
MARCH 29, 2002

Dear Claimant:

The Notice of Claim identified with the number shown above 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, at a later date, 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 recommended 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 will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact the office listed above.

Sincerely,

Steve Clelland
Water Resource Agent, Sr.

Enclosures