

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 37-10477
Date Received: 7/8/1988
Receipt No: S000804
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JIM SILVA

Phone: (208)886-7512

PO BOX 743

SHOSHONE ID USA 833520743

2. Date of Priority: 04/01/1940

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	17E	12	SW SW SE	LINCOLN	

5. Description of diverting works:

6"X 270' WELL WITH 1 HP SUBM.PUMP. PWL=240'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.03	
COMMERCIAL	1/01	12/31	0.03	
DOMESTIC	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.03 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	17E	12	SW	SE	DOMESTIC	
			SW	SE	STOCKWATER	
			SW	SE	COMMERCIAL	

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:

14. Remarks:

TITLE TO LAND WILL GO TO OWNERS SON AT TIME OF DEATH.
WATER WAS USED IN A 60 COW DAIRY PRIOR TO THE DAIRY BUY-OUT WILL PROBABLY BE USED
FOR A DAIRY AGAIN IN TWO YEARS.
4-1-02 CHANGE OF OWNERSHIP FILED, JIM SILVA SOLE OWNER.

15. Basis of Claim: Beneficial Use

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: A37-10477
Date Received: 7/08/1988
Receipt No: 5000 804
Received By: VTB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JIM SILVA 208-886-7652
Address: 110 E. 420 N.
SHOSHONE, ID 83352

AND/OR
Name: FLOYD SILVA 208-886-7512
Address: SHOSHONE, ID 83352

2. Date of Priority: APR 01, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	17E	12	SW	SW	SE		LINCOLN

5. Description of diverting works:
6"X 270' WELL WITH 1 HP SUBM.PUMP. PWL=240'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.030		
STOCKWATER	01/01	12/31	0.030		
COMMERCIAL	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOM/1, 60 MILKING COWS. DAIRY CLEANING, ETC.

A37-10477

Page 1

Date: 07/08/88

MICROFILMED

FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	17E	12	SW	SE		DOMEST	
			SW	SE		STOCK	
			SW	SE		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:
NSCC

14. Remarks:

TITLE TO LAND WILL GO TO OWNERS SON AT TIME OF DEATH.
WATER WAS USED IN A 60 COW DAIRY PRIOR TO THE DAIRY BUY-OUT
WILL PROBABLY BE USED FOR A DAIRY AGAIN IN TWO YEARS.

15. Basis of Claim: BENEFICIAL USE

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: _____

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): Jim Silva Date: 7/8/88
Date: _____

State of Idaho)
County of Blaine Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of July 19 88 Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Idaho
My Commission Expires 10-16-1992

03/18/2002

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

RIGHT NUMBER: 37-10477

NAME AND ADDRESS: JIM SILVA
PO BOX 743
SHOSHONE ID 833520743

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.03 CFS
2.4 AFY

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

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION:

T05S R17E S12 SWSWSE 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	0.030 CFS 1.20 AFY
STOCKWATER	01/01 12/31	0.030 CFS 1.20 AFY

PLACE OF USE: DOMESTIC Within LINCOLN County

T05S R17E S12 SWSE

STOCKWATER Within LINCOLN County

T05S R17E S12 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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

RECEIVED
MAR 29 2002
Department of Water Resources

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-10977				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts. NONE
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**
→ Estate INFO showing chain of ownership to you
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Arthur Floyd Silva
- Shoshone ID 83352
4. New Owner/Claimant(s) Arthur James Silva
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address Box 743
- City, State and ZIP Code Shoshone ID 83352
- New Telephone Number (208) 886-7512
5. Date you acquired the property 9/10/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

RECEIVED

MAR 29 2002

Department of Water Resources

DEED OF DISTRIBUTION

BY PERSONAL REPRESENTATIVE

161300

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of:

SEP 10 1996

at 35 minutes past 12 P.M.

recorded by Helen Padgett

Fee: \$1.00 Return to: Helen

THIS DEED, made by MARILYN G. PADGETT, as personal representative of the Joint Estate of Arthur Floyd Silva aka A. Floyd Silva and Dorothy G. Silva, deceased, Grantor, to ARTHUR JAMES SILVA, individually, a married man as his sole and separate property, together with all rents, profits, income, gain and appreciation therefrom, Grantee, whose current address is P. O. Box 743, Shoshone, Idaho 83352;

WHEREAS, Grantor is the qualified personal representative of said Estate, filed as Case No. SP-00017, in Lincoln County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Lincoln County, Idaho:

SE¼ Section 12, Township 5 South, Range 17 East, B.M., Lincoln County, Idaho:

More commonly referred to as 110 E 420 N, Shoshone, Idaho and known as Assessor's Parcel No. O5S17E127200A

together with all appurtenances.

EXECUTED This 10th day of September, 1996.

Marilyn G. Padgett
Marilyn G. Padgett

Personal Representative of the Joint Estate of
Arthur Floyd Silva aka A. Floyd Silva and
Dorothy G. Silva, Deceased

CLAIM NO. 87 - 10477

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:

☒ NEW OWNER:

No Change ADDRESS:

☒ NEW ADDRESS:

PO Box 743, Shoshone

☒ DATA ENTRY STANDARDS CHECKED?

2. ☒ No Change - DATE OF PRIORITY: No Field Verification Needed.

☐ CHANGE- Priority date, per claimant, is Drop Commercial.
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.) No Proof to Be Submitted!

3. ☒ No Change - SOURCE:

☐ CHANGE - Different Source found: _____

4. ☒ No Change - POINT OF DIVERSION:

☐ Point of diversion is different than the claim

New P/D: Twp. _____, Rge. _____, Sec. _____, 1/4 1/4 1/4

Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring.

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:

☐ Incomplete desc., complete items missing, IF KNOWN.

HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irr. _____

6. ☒ No Change - WATER USES:

☒ Different uses, (list uses found).

Use Dom From _____ To _____ Amount .03 cfs 1.2 af

Use Stock From _____ To _____ Amount .03 cfs 1.2 af

7. ☒ No Change - TOTAL VOLUME:

☒ Change found, The new total is, -- -- -- 0.03 cfs 2.4 af

8. N/A

9. ☒ No Change - NON-IRRIGATION USES: Completed on claim

☐ Incomplete on claim - Exam found:

Domestic - No. of homes _____ Stockwater - No. of head _____

Other: _____

☒ DATA ENTRY STANDARDS (correct to..)

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☒ No change - OTHER RIGHTS FOR SAME USE:

☐ CHANGE: _____

14. ☐ None REMARKS: (copy existing remarks to comments in "R")

☐ Add the following standard remarks:

LIST STANDARD REMARKS FOR THE RECOMMENDATION:

N11 - N13 - C18

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS: (pertinent to field examination)

de minimis uses found.

ATTACHMENTS: Attached to
This Form.

Attachments are
in ~~Permit~~ File.

PHOTOS

MAP

SYSTEM DIAGRAM

☐
☐
☐

☒
☐
☐

DATE EXAM CONDUCTED: _____

N/A

FIELD EXAMINER: _____

Signature _____

REVIEWED BY/DATE: _____

SCC 3/18/02

DATA ENTRY BY/DATE: _____

SCC 3/18/02

(Pending COO)

VERIFICATION BY/DATE: _____

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 37-10477

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

3/18/2002 9:25 AM

NAME:

RE:

JIM SILVA

CALLIN/BACK

PRIORITY

He had called in several times so I returned his call... he wanted to drop the Commercial portion of the claim. I told him I can recommend it as a small D/S without the proof being submitted and he agreed with that. He said he does not plan to revive the dairy uses in the future. I told him I will note the file as such and then I described the remaining SRBA process he could expect over the next year or so.

I asked about Floyd Silva on the claim... he said that is his dad who passed away several years ago and does not need to be listed on the claim. Claim 37-10477.

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

From: Pew, Lori
Sent: Monday, March 18, 2002 9:03 AM
To: Clelland, Steve
Subject: Phone call
Importance: High

Steve,

Please call Jim Silva from Salmon regarding one of your letters. His phone number is 886-7512 he has tried calling our department 3 times last week and twice this morning and would appreciate a return call. I asked if he left voice mail, but he apparently didn't.

Thank you,
Lori

Call back: 9:45 am

I called to arrange to send him a COO form to be returned w/ Estate paperwork showing title of land going back to Jim.

SCC

✓ COO sent
3/18/02
SCC

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s):

37-10477

Previous Mailing Address:

110 E 420 NSHOSHONE ID 83352

New Mailing Address:

Jim SilvaPO Box 243Shoshone ID 83352

Telephone Number:

(208) 886-7512

Signature of Claimant(s):

Jim Silva

Updated CID
3/13/02
#138203
DME

Please return this completed form to:

→ **Adjudication Bureau**
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

3/7/02
SCC

IDAHO
ENT OF WATER RESOURCES
rchard Street, P.O. Box 83720
3720-0098

ice Requested

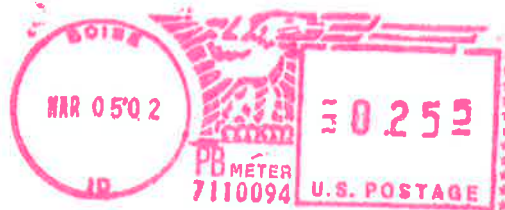
RECEIVED

MAR - 7 2002

Department of Water Resources

RETURN SERVICE
REQUESTED

RESERVED
FIRST CLASS



ATTEMPTED
NOT KNOWN

37-10477
Proof of Priority

Send mail to:
PO Box 743

Requested update
3/7/02
scc



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

37-10477
JIM SILVA
110 E 420 N
SHOSHONE, ID 83352

March 4, 2002

← WRONG ADDRESS
3/7/02
SCC

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



37-10477
T5S R17E

11 12

14 13