

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 37-12000
Date Received: 10/25/1988
Receipt No: C003051
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH COVE VENTURES LLC Phone: (425)460-2504
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

2. Date of Priority: 05/01/1917

3. Source: SPRINGS Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
02S	17E	12	SE	SW		BLAINE	
02S	17E	12	SW	SW		BLAINE	
02S	17E	11	SE	SE		CAMAS	

5. Description of diverting works:

DIVERSION DAMS AND DIKE FOR SMALL RESERVOIRS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE	1/01	12/31		145
STOCKWATER FROM STORAGE	1/01	12/31		145
RECREATION STORAGE	1/01	12/31		85

7. Total Quantity Appropriated is:
145 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02S	17E	11	SE	SE		RECREATION STORAGE	
			SE	SE		STOCKWATER STORAGE	
02S	17E	12	SW	SW		STOCKWATER STORAGE	
			SE	SW		STOCKWATER STORAGE	
			SW	SW		RECREATION STORAGE	
			SE	SW		RECREATION STORAGE	

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:

14. Remarks:

2 PONDS IN SESE SEC. 11, 2 PONDS IN SWSW SEC. 12, 1 POND BEHIND A DIKE IN MAGIC RESERVOIR IN SESW AND SWSW SEC. 12.

15. Basis of Claim: Beneficial Use

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

RECEIVED
SEP 22 2004
 Department of Water Resources
 Southern Region

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
	37-7395	☒			☐
	37-11989	☐			☐
	37-2211	☐			☐
	37-12000	☐			☐
37-12044		☐			☐

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.
- 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)	Alonzo B. LeaVell P.O. Box 54, Gooding, ID, 83330 South Cove Ventures, L.L.C.
4. New Owner/Claimant(s)	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	c/o Chuck Hill, P.O. Box 1607
City, State and ZIP Code	Bellevue, WA, 98009
New Telephone Number	(425) 460-2504
5. Date you acquired the property	July 6, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-7395</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>9.8 cfs</u>	<u>799 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>9.8 cfs/799 acres</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

SOUTH COVE VENTURES, L.L.C.

By: Chuck Hill, president

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>HAWORTH</u>	Date <u>9/29/04</u>	Fee <u>25.00</u>
Received by <u>HAWORTH</u>	Date <u>9/29/04</u>	Receipt No. <u>5027084</u>
Processed by _____	Date _____	WR _____ Date _____

For Value Received

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

the grantee(s), whose current address is: ~~XXXXXX, XXXXX, XXXXX~~
P.O. BOX 1607, BELLEVUE, WA 98009

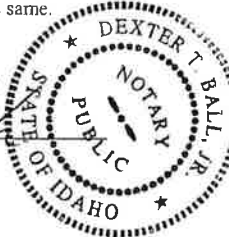
See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Alonzo B. Leavelle
Alonzo B. Leavelle

On this 2ND day of July, in the year 2004, before me, a Notary Public in and for said State, personally appeared Alonzo B. LeaVell, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public
Residing At: TWIN FALLS
Commission Expires: 3-22-08



077403
Recorded at the Registrar
at Camas County Title P M
on July 6th, 2004
in Book 34 490
of Deeds

By Koru Blagov
Fees \$ 20.00

EXHIBIT A
C040070

PARCEL 1:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO a road right of way 35 feet in width along the West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM the Northerly 20 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway

Lot 3 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 2:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ excepting therefrom that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Lots 2 and 3 MAGIC RANCH SUBDIVISION No. 1, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76003.

Lots 1, 2, 4 and 5 MAGIC RANCH SUBDIVISION No. 3 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76005, and replatted as Instrument No. 76784.

Lots 1 and 2 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 3:

Lots 2A, 2B, 3 and 4A Block 1 MAGIC RANCH SUBDIVISION No. 2, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76004 and replatted as Instrument No. 76797.

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: A37-12000
Date Received: 10/25/1988
Receipt No: C003051
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

AND/OR

Name: A. B. LEAVELL
Address: P.O. BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 01, 1917

3. Source: SPRINGS

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	17E	11	SE	SE			CAMAS
		12	SW	SW			BLAINE
			SE	SW			BLAINE

5. Description of diverting works:
DIVERSION DAMS AND DIKE FOR SMALL RESERVOIRS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			145.00
STOCKWATER FROM STORAGE	01/01	12/31			145.00
RECREATION STORAGE	01/01	12/31			85.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 145.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER 1000 HEAD RANGE AND RECREATION USE ON 4 OF 5 PONDS
A37-12000 Page 1 Date: 01/31/90

MICROFILMED

FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	17E	11	SE		SE		STOC S	
			SE		SE		REC S	
		12	SW		SW		STOC S	
			SW		SW		REC S	
			SE		SW		STOC S	
			SE		SW		REC S	

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
2 PONDS IN SESE SEC. 11, 2 PONDS IN SWSW SEC. 12, 1 POND BEHIND
A DIKE IN MAGIC RESERVOIR IN SESW AND SWSW SEC. 12.

15. Basis of Claim: BENEFICIAL USE

(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.

For Individuals:

My Commission Expires _____

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: A37-12000
Date Received: 10/25/1988
Receipt No: 2003051
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 01, 1917

3. Source: SPRINGS

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	17E	11	SE	SE			CAMAS
		12	SW	SW			BLAINE
			SE	SW			BLAINE

5. Description of diverting works:
DIVERSION DAMS AND DIKE FOR SMALL RESERVOIRS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			145.00
STOCKWATER FROM STORAGE	01/01	12/31			145.00
RECREATION STORAGE	01/01	12/31			85.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 145.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER 1000 HEAD RANGE AND RECREATION USE ON 4 OF 5 PONDS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	11	SE	SE	STOC S	
		12	SE	SE	REC S	
			SW	SW	STOC S	
			SW	SW	REC S	
			SE	SW	STOC S	
			SE	SW	REC S	

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

2 PONDS IN SESE SEC. 11, 2 PONDS IN SWSW SEC. 12, 1 POND BEHIND
A DIKE IN MAGIC RESERVOIR IN SESW AND SWSW SEC. 12.

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 ☒ 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): AB France Date: 10-25-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of October 19 88

me this 25 day
[Signature]
 Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

MEMORANDUM

To: Mr. Lonnie Leavell
Leavell Cattle
From: D. Shaff *[Signature]*
Date: October 26, 1988
Re: Signature(s)

Lonnie, I should not have been swayed by what happened in Gooding as to the proper signature(s), in my opinion, for the claims you submitted yesterday, October 25, 1988. Some change or another signature will be required in one of the following manners:

If the co-tenants are filing as individuals and the names are joined by and, all tenants and claimants must sign the claim(s). If the individuals are joined by or or and/or, only one of the individuals must sign.

If the co-tenants are operating as a business under the claimant name, the authorized agent of the business must sign in the organization block. If Leavell and Leavell is a partnership, I believe the organization block would be appropriate.

As the claims are filed now, short of the well claim A37-07395, the signature on the claim is not proper for the name appearing at the top of the claim. Please make the appropriate change to the claims to correct the deficiency. Of the computer generated claims, new copies have been enclosed if they are needed for the organization block. Thanks for your troubles.

MICROFILMED
FEB 25 1993



Idaho Department of Water Resources

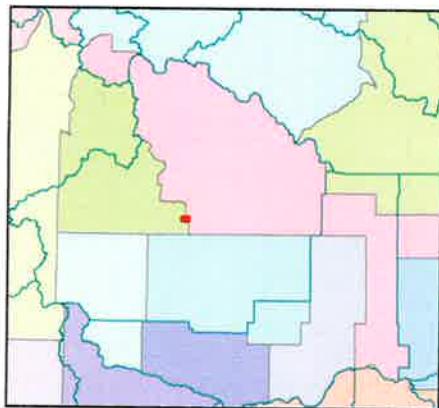
Adjudication Recommendation

37-12000

(STOCKWATER STORAGE)

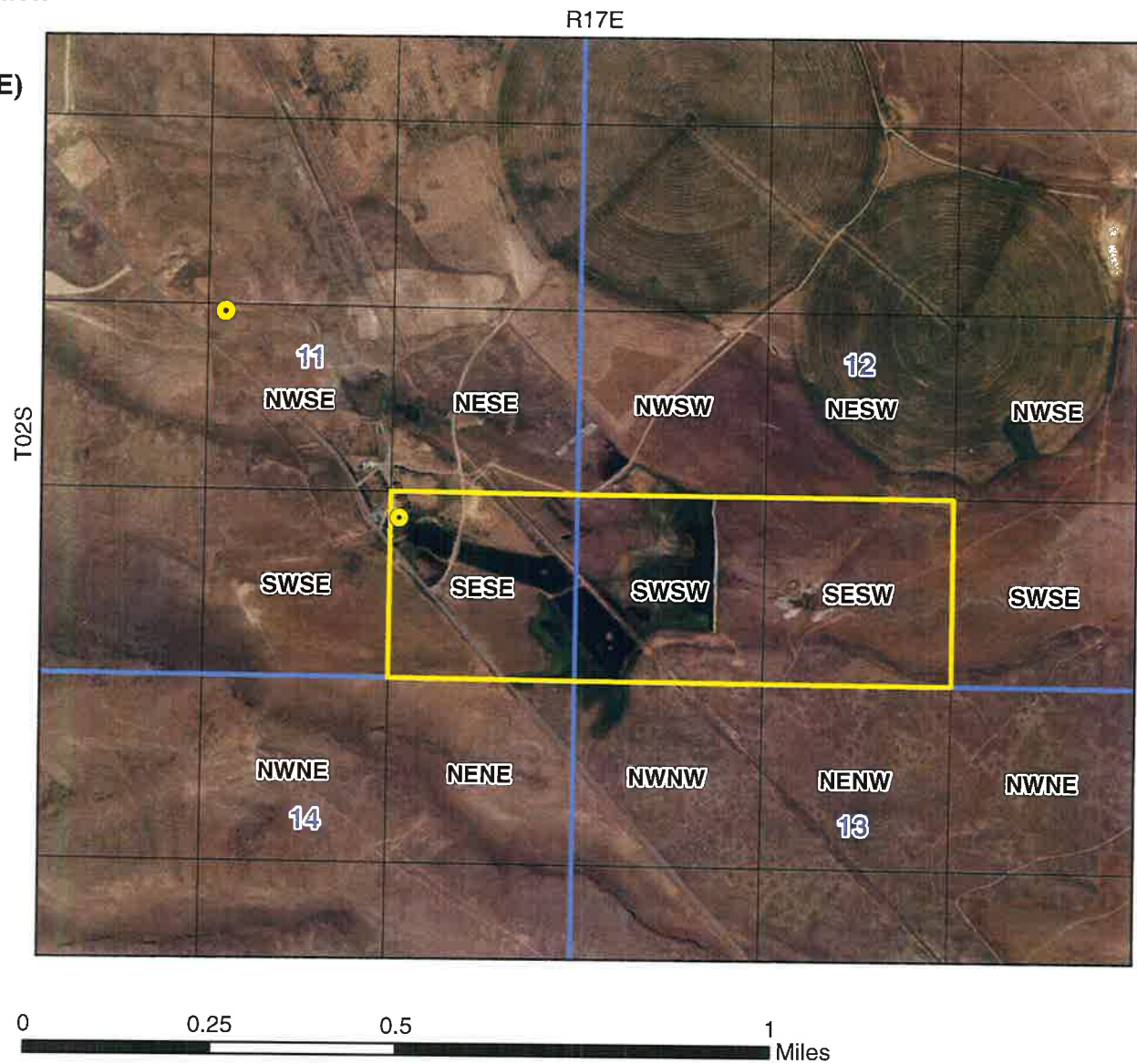
Legend

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



Blaine, Camas Counties
IDWR Basin 37

Prepared by Steve Clelland
On August 06, 2009
2004 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

8/6/09
SF5 draft
to VK

RIGHT NUMBER: 37-12000
NAME AND ADDRESS:

BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

out as Atty

SOURCE: Source:
SPRING

Tributary:
SINKS
~~UNNAMED STREAM~~

QUANTITY: 14.000 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1917

POINT OF DIVERSION:

T02S R17E S11 NWNWSE
Within BLAINE County

T02S R17E S11 NWSESE
Within CAMAS County

~~T02S R17E S12 NWSWSW~~
~~Within BLAINE County~~
~~T02S R17E S12 SWSESW~~
~~Within BLAINE County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
STOCKWATER STORAGE	01/01 12/31	<u>14.00</u> AFY
STOCKWATER FROM STORAGE	01/01 12/31	<u>14.00</u> AFY

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

PLACE OF USE: STOCKWATER STORAGE within BLAINE County and CAMAS County

T02S R17E S11 SESE

T02S R17E S12 SWSW

T02S R17E S12 SESW

STOCKWATER FROM STORAGE within BLAINE County and CAMAS County

T02S R17E S11 SESE

T02S R17E S12 SWSW

T02S R17E S12 SESW

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

DRAFT NOTES

03/31/2009

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

RIGHT NUMBER: 37-12000
NAME AND ADDRESS: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

* Recommended
as De Minimis
Right.

CLAIM Has
listed 1000 head
of cattle...

SOURCE: SPRING

QUANTITY: 8.700 AFY = 14.0

TRIBUTARY: SINKS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1917

POINT OF DIVERSION:

T02S R17E S11 NWSESE Within CAMAS County

~~T02S R17E S12 NWSWSW Within BLAINE County~~

~~T02S R17E S12 SWSESW Within BLAINE County~~

Based on App. #
PROCESSING MEMO 3
VOLUME for 1000 hd.
= 14.0 AFA

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER FROM STORAGE

01/01 12/31

STOCKWATER STORAGE

01/01 12/31

8.70 AFY

8.70 AFY

PLACE OF USE:

STOCKWATER STORAGE in BLAINE County and CAMAS County ✓

T02S R17E S11

SESE

T02S R17E S12 ✓

SWSW

T02S R17E S12

SESW

STOCKWATER FROM STORAGE in BLAINE County and CAMAS County ✓

T02S R17E S11

SESE

T02S R17E S12 ✓

SWSW

T02S R17E S12

SESW

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.

"Not Historical..."

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Revised Rec'd
7-14-09
JCL

37-12000

3/24/09
scl

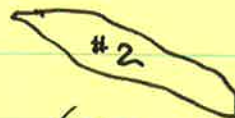
POND SHAPES & SIZES:

- | | | <u>ACRE</u> |
|----|-------------|-------------------------|
| #1 | 1) S11 SESE | 1.2 |
| #2 | 2) S12 SWSW | 0.7 |
| #3 | 3) S12 SESW | <u>0.2</u>
2.1 ACRES |



(EST. 5' deep)

$$\frac{1.2 \text{ AC} \times 5 \text{ ft}}{\text{AC}} = 6.0 \text{ AF}$$



(EST. 3' deep)

$$\frac{0.7 \text{ AC} \times 3 \text{ ft}}{\text{AC}} = 2.1 \text{ AF}$$



(EST. 3' deep)

$$\frac{0.2 \text{ AC} \times 3 \text{ ft}}{\text{AC}} = 0.6 \text{ AF}$$

#1	6.0 AC-FT
#2	2.1
#3	0.6

8.7 ACFT CAPACITY

Revised per CGB 7-8-9 email

#1: 12.1 AF

#2: 8.4 AF

20.5 AF



Exceeds Limits
of De Minimis
Claim.

2/4/09

10 AM:

C. Brockway 37-11989 DIS
JR.

ENLARGEMENT (NO ↑ Q)

7-14-08
email

37-12000

S. Spring = "Not to Deep" est 3'

N. Spr = "5' to 6'"

Switch to IRR Storage →

= AMEND CLASM

1957 photo

Supports IRR. Storage

37-11989
37-12000
37-2211

C. Brockway JR.
736-8543
w/Speck

VOIR

Spring
to
Sinks

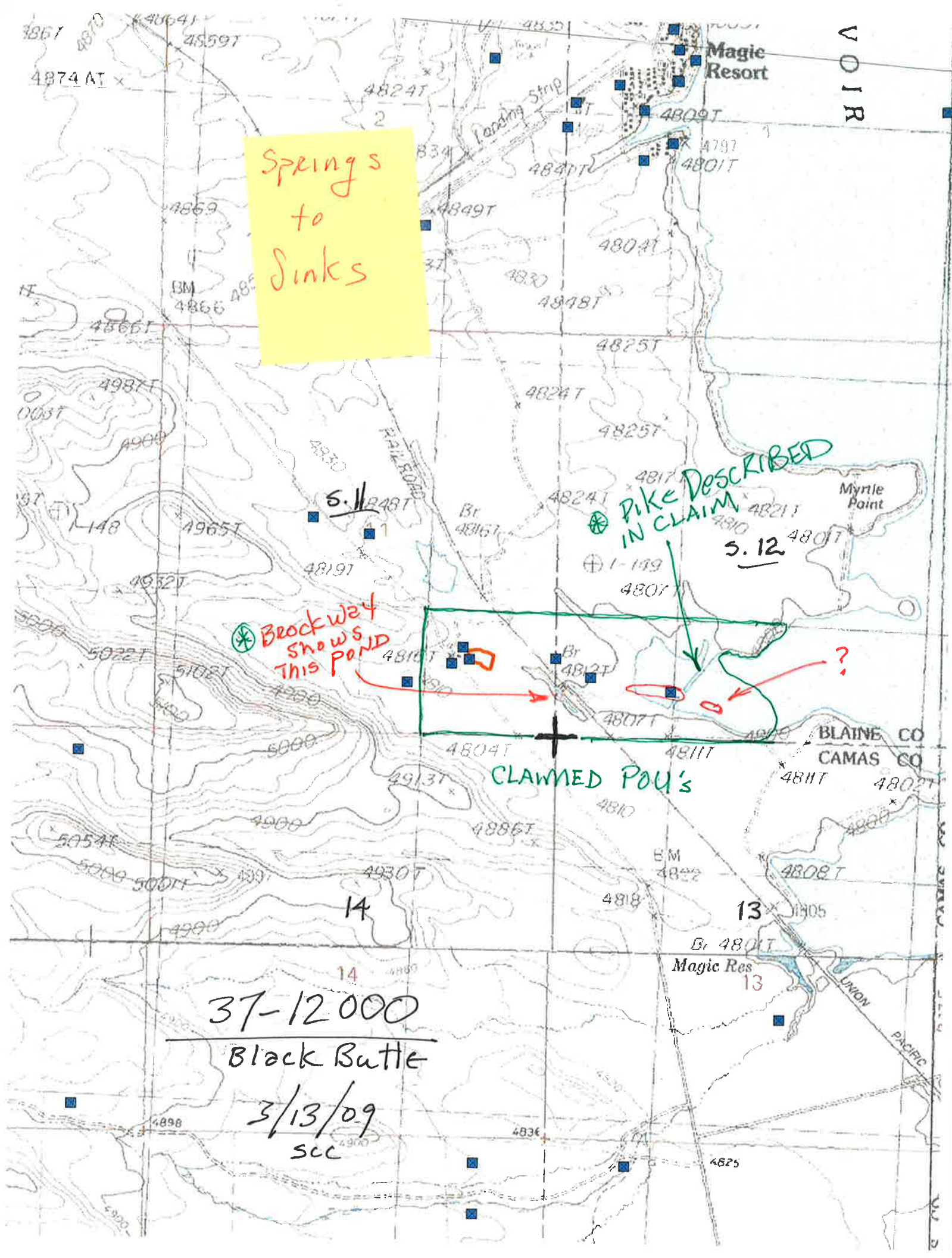
PIKE DESCRIBED
IN CLAIM

Brockway
shows
this pond

CLAIMED POOL'S

37-12000
Black Butte

3/13/09
SCL



10/03/2006

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

RIGHT NUMBER: 37-12000

NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 14.000 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1917

POINT OF DIVERSION:

T02S R17E S11 NWSESE Within CAMAS County

T02S R17E S12 NWSWSW Within BLAINE County

T02S R17E S12 SWSSEW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER FROM STORAGE	01/01 12/31	14.00 AFY
STOCKWATER STORAGE	01/01 12/31	14.00 AFY

PLACE OF USE:

STOCKWATER STORAGE Within CAMAS County

T02S R17E S11 SESE T02S R17E S12 SWSW

T02S R17E S12 SESW

STOCKWATER FROM STORAGE Within CAMAS County

T02S R17E S11 SESE T02S R17E S12 SWSW

T02S R17E S12 SESW

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: BASIS OF CLAIM - Beneficial Use



Rec'd Do. Min.

Block Butte
37-12000
stock & Recr.

Clelland, Steve

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, June 24, 2008 3:46 PM
To: Bromley, Chris
Cc: 'Rodney Ray Gonsales'; 'Greg Vik'; nancy1@pistolcreek.com; Clelland, Steve
Subject: Smokey Dome LLC et al - Status Conferences Tomorrow

P. 1 of 2

Attachments: Charles Lee Barron Affidavit.pdf



Charles Lee Barron
Affidavit.p...

Chris,

Status Conf
6-25-08

Here is where I think we stand:

SCC

1:30

1. Smokey Dome LLC - 37-38 & 404A: attached is a copy of an Affidavit that will be filed with the court tomorrow. I believe this supports the number of irrigated acres we claimed 86A v. 36A recommended).

J.S.

2. Smokey Dome LLC - 37-19832: I have not yet had a chance to put together the affidavit for Doug Hollowell, a prior owner of the land, that we believe will support our objection.

SCC

1:30

3. Diamond/Soldier Properties LLC - 37-368A, 409A, 2076A & 2455: I still do not have a reply from Steve Clelland to my October 19, 2007 e-mail, the body of which reads:

Steve,

I have attached a map of the ranch with the boundary of the relevant portion drawn in black and the outlines of the recommended places of use in yellow with the water right number labels. Here are my comments and questions:

1. The area labeled "A" should be part of the place of use for 368A - it probably will add about 5 acres.

2. The area labeled "B" should be the place of use for 409A - I estimate this is about 110 acres.

3. The total place of use of the 4 recommended rights is 471.3 acres. Adding 115 acres would make this 536.3 acres.

4. The total amounts claimed for all 5 rights is 15.45 cfs or 772.5 inches. This is a little less than 1 1/2 inches per acre for the 536.3 acres.

5. Is it possible to make the 536.3 acres a permissible place of use for all 5 rights, and then limit each right to the irrigation of a certain number of acres determined by the inches per acre, e.g. 368A would be 536.3 acres X 2.7 cfs/15.45 cfs = 93.7 acres??

SCC

1:30

4. Black Butte Hills LLC - 37-11989 & 12000: Per your February 20, 2008 e-mail to me, Steve apparently did not need to do a field exam for 37-11989 after all and he was going to write up his report. I haven't seen anything yet. I believe this may also cover this quantity dispute for 37-12000 - I can't find anything that formed the basis for the 14 AFA in the recommendation v. 145 AFA claimed for stockwater and 85 AFA for recreation.

SV Ranch LLC - 37-13118: I hope to resolve this stockwater

* See Next pg. for this

No obj to Rec. use only Q

I would Δ this to 14.6 AFA de min.

* No Proof on Rec. uses

more

- info in Brockway letter in 37-11989 indicates large reservoirs were built ~ 1987 or 1988; after SRBA, will require permits.

[Mogie Ranch History
2-26-02
Brockway]

- No proof of priority for Recreational uses for ANY date prior to 1987 or 1988 (claims filed 10-25-1988)
- Dimensions of ponds?
 - Now?
 - 1917, 1957. or 1987?

3/31/09

SCC

Admin. Memo

(K. Dunn)

Listed Stock Volumes
for 1000 head

at 14 A.F.F.T.

Rec'd is okay

Speck email
6/24/08

Pg 2 of 2

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

In Re SRBA

Case No. 39576

A. Subcase 37-12000

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Black Butte Hills LLC

Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Black Butte Hills LLC

Address: PO Box 1607
Bellevue, WA 98009

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☒ **Quantity**

Should be: 145 AFA for stockwater storage and stockwater from storage and 85 AFA for recreation as described in notice of claim

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 7, 2007



Jean A. Latham
Notary Public for Idaho

Residing at Blaine Co.

My Commission expires 1-25-2013

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 7th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: South Cove Ventures, L.L.C.
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

Adjudication Claim Notes

Claim(s): 37-12000

Background Data

- Beneficial Use claim
- Springs tributary to Camas Creek
- Claimed 145 AF for Stockwater Storage
- Claimed 145 AF for Stockwater from Storage
- Claimed 85 AF for Recreation Storage

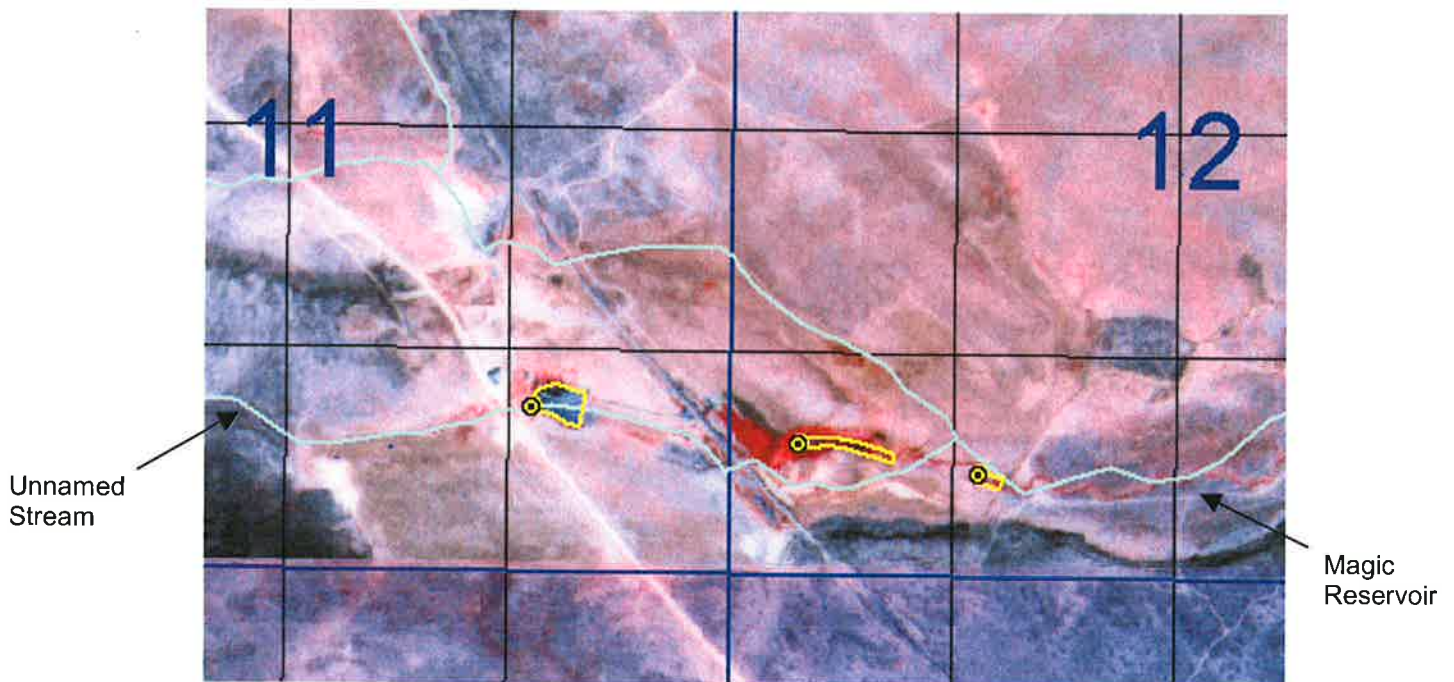
Place Of Use Data

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

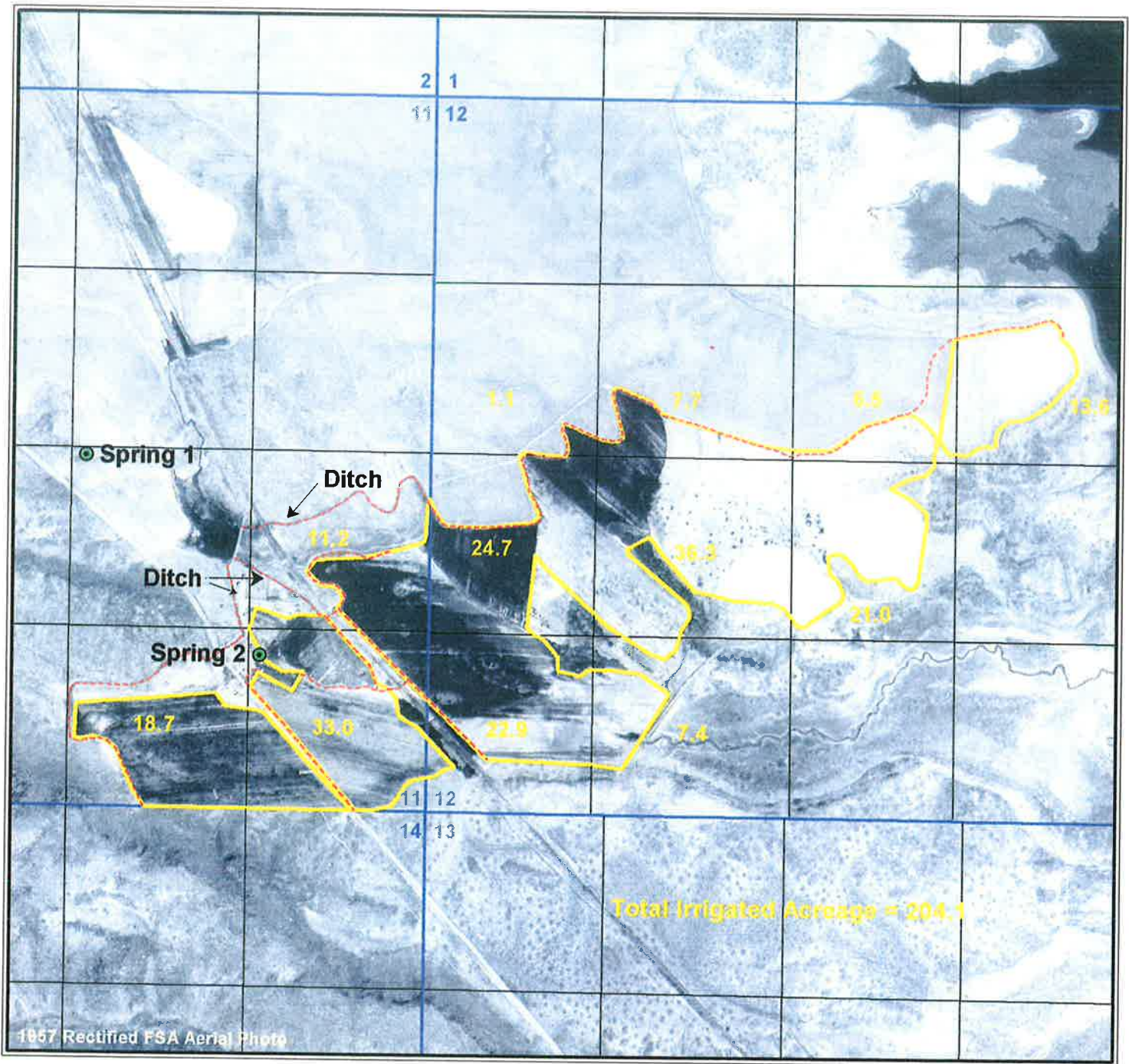
T2S R17E Sections 11 & 12

- Source should be spring tributary to unnamed stream.
- A 1957 aerial photo submitted for another claim could be used as evidence of priority for the Stockwater, but they will get a better priority date if recommended as diminimus.
- Recreation Storage requires additional evidence of priority. Recreation Storage disallowed.
- Original claim stated 1,000 head of cattle watered from ponds, so Stockwater Storage and Stockwater from Storage recommend for 14 AF.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

LEAVE - MAGIC RANCH IRRIGATION

1957 AND EARLIER

T02S, R17E



800 0 800 1600 2400 3200 Feet

- Irrigated Acres (1957)
- Ditch
- Section Lines
- Quarter Section Lines



Anders, Matthew

From: Anders, Matthew
Sent: Monday, May 01, 2006 1:11 PM
To: 'Charles G. Brockway'
Subject: RE: Claims 37-12000, 37-12007, and 37-13256

Chuck,

The current deadline completing the SRBA review of claims on the Camas Prairie is June 30. I will hold these claims as long as I can. If we haven't received evidence of priority by the end of June, the claims will be disallowed and you will need to file a objection with the SRBA court to submit the evidence of priority.

We will likely need to do some field work on these claims, so the sooner you can get us the evidence of priority the better.

Let me know if you have any questions.

Thanks!

Matt

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

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Wednesday, April 26, 2006 10:10 PM
To: Anders, Matthew
Subject: Claims 37-12000, 37-12007, and 37-13256

Hello Matt,

I am still working on priority justification for these claims. Lonnie Leavell, the former owner, is assisting me with trying to reconstruct some history on these, but it is proving difficult due to few people being alive that remember anything.

When do you need this information?

I am on vacation starting tomorrow, back on May 8.

Thanks,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 North Washington Street #4
Twin Falls, Idaho 83301
charles.g.brockway@brockwayeng.com

5/1/2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 7, 2005

Rod Gonsales
South Cove Ventures, LLC
P.O. Box 1607
Bellevue, WA 98009

RE: Evidence of Priority for Snake River Basin Adjudication claims 37-4099, 37-4383, 37-4384, 37-4386, 37-11989, 37-12000, 37-12007, 37-13256, & 37-13315

Dear Mr. Gonsales,

As you requested yesterday, attached is a list of the claims owned by South Cove Ventures, LLC, Smokey Dome, LLC, Diamond/Soldier Properties, and SV Ranch, LLC that require evidence of priority for the Snake River Basin Adjudication (SRBA). If you have property under other another company name, let me know and I'll find out if there are any claims that need evidence of priority.

Please note that claims 37-4099, 37-4383, 37-4384, & 37-4386 have been recommended to the SRBA Court for disallowal. You have until early March to object to these recommendations and provide evidence of priority. If you have questions about these four rights, please contact Carter Fritschle at (208) 287-4917.

Claims 37-11989, 37-12000, 37-12007, 37-13256, & 37-13315 require evidence of priority. Brockway Engineering, PLLC submitted the attached narrative on behalf of Lonnie Leavell for claim 37-11989, but this narrative is not acceptable as evidence of priority.

I have attached a pamphlet describing types of evidence of priority that can be used for the Snake River Basin Adjudication. Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
37	4099		Statutory Claim	4/1/1953	2.00	WASTE WATER	IRRIGATION	SOUTH COVE VENTURES
37	4383		Statutory Claim	4/1/1970	0.50	THORN CREEK	IRRIGATION	SOUTH COVE VENTURES
37	4384		Statutory Claim	4/1/1910	4.00	PREACHER CREEK	IRRIGATION	SOUTH COVE VENTURES
37	4386		Statutory Claim	4/1/1910	10.00	THORN CREEK , WASTE WA	IRRIGATION	SOUTH COVE VENTURES
37	11989		Beneficial Use	5/9/1911	4.08	SPRINGS	IRRIGATION, IRRIGA	SOUTH COVE VENTURES
37	12000		Beneficial Use	5/1/1917		SPRINGS	RECREATION STOR	SOUTH COVE VENTURES
37	12007		Beneficial Use	5/1/1940	0.20	SPRINGS	IRRIGATION, STOCK	SOUTH COVE VENTURES
37	13256		Beneficial Use	1898-06-01	0.86	CAMAS CREEK	IRRIGATION	SOUTH COVE VENTURES
37	13315		Beneficial Use	1888-06-15	3.2	SPRING (DAIRY CREEK)	IRRIGATION, STOCK	SV RANCH LLC (Current)

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region**MAGIC RANCH – CAMAS COUNTY, IDAHO**
Ownership, farming, and irrigation history

Brockway Engineering, PLLC / C. G. Brockway, P.E.
February 26, 2002
Information from Lonnie Leavell and aerial photos

Two significant springs issue to the surface on the Magic Ranch property. Spring #1 is the south spring and Spring #2 is the north spring. Development of the property began in 1911. From 1911 to 1915, the springs were developed and diverted for irrigation use by Zachariah Spellman and later George Starcher, who purchased the property in 1913. Embankments were placed, creating regulation ponds to capture flow from each spring, and ditches were constructed from the ponds. All irrigation from the springs originally took place by gravity. License No. 7419 (later changed to 37-2211) was granted on September 8, 1915 with a priority date of May 9, 1911 for 1.7 cfs and 85 acres of irrigation. From some reason, this license did not include Spring #2, the main source of water, as a point of diversion. Also, the license did not describe storage in the irrigation regulation ponds. Therefore, an SRBA claim (37-11989) was filed on October 25, 1988 for the same 85 acres but with 30 acre-feet of irrigation storage and Spring #2 as the point of diversion.

The property continued to be irrigated from the springs from the original development through approximately the late 1950s when the first irrigation well was constructed. The attached 1957 aerial photo clearly shows the springs, ditches, and irrigated fields. It is assumed that this is approximately the condition that had existed since about 1915. A substantial amount of land was served with the springs, but license 37-2211 does not reflect the extent of irrigation that was historically accomplished. An ArcView analysis using this photo indicates that a total of 204.1 acres were irrigated using the two spring sources.

In addition to the irrigation, approximately 150 head of range cattle were watered from the springs.

W. H. Croft purchased the property in approximately 1940, and continued the irrigation with the two spring sources. Croft installed the small well (south well near the farmhouse) in the late 1950s.

Croft sold the property to the group known as Magic Four in 1974. In this year, a permit was obtained (37-7395) for irrigation from two groundwater wells. Magic Four developed the majority of the property, installed an additional well (north well near the airstrip), installed buried mainlines, three center pivots, and several systems of hand lines and wheel lines. A total of 810 acres was developed, pursuant to the groundwater permit. At this time, the two wells supplied the majority of the irrigation water, pumping into a common mainline system – there was no booster pump from the spring sources. However, gravity irrigation of about 87 acres from Spring #2 continued to occur from the

pre-existing ditch system. Groundwater license 37-7395 was granted on April 29, 1985 for 9.94 cfs and 810 acres.

In 1985 or 1986, Connecticut General foreclosed on the property and owned it until 1987. In 1986 or 1987, the center pivots were removed.

In 1987, Orie Leavell purchased the property, and began irrigating from the wells using hand lines only. Also, Spring #2 continued to be used to gravity irrigate approximately 50 acres (the two fields just east of the road) using the pre-existing ditch system. This gravity irrigation continued until 1994.

In 1987 or 1988, the large ponds near the farmhouse were constructed (#11 and #12 on the transfer application).

In 1994, a major system upgrade was accomplished. This included additional mainlines, wheel lines, and hand lines, and a 20 HP booster pump located in pond #13 to supply water to the common system from Spring #1. Spring #2 water was no longer used for gravity irrigation via the ditch system, but instead continued to flow southeast in a pre-existing ditch to ponds #12 and #13. After this upgrade, water from any source could be utilized anywhere on the property. This is essentially the same system configuration that exists today.

From 1987 through 2001, irrigation has occurred every year on the property to some extent. The property was fully irrigated in 1994, the first season after the major system upgrade, and in 1998. An ArcView analysis using a 1999 aerial photo (the 1998 photo was not available from the FSA) shows the extent of irrigation in 1998. Irrigation west of the road was light, and does not show well on the photo; however, a site visit made by C. E. Brockway, P.E. during the 1998 season confirmed the extent of irrigation shown on the 1999 aerial map. The irrigated area in 1998 was 783.8 acres, or 96.7% of the 810-acre water right.

of the well driller who drilled the well, if a report was filed with IDWR.

4. *Pump test records.*

5. *Sales receipts* for equipment or materials used in the water system.

6. *Records* of the person or business who sold, installed, or constructed the diversion works.

7. *Electric bills* for electric powered diversion equipment.

8. *Homestead documents for irrigation claims, patent documentation for mining claims or other documentation indicating use of water during the acquisition of government land.* These may be of record at the county recorder's office for the county in which the land is located. These should also be of record with the National Archives, although there are often delays in obtaining copies. The address and phone number of the National Archives are:

8th and Pennsylvania Ave., N.W.
Washington, D.C., 20408
202-523-3006

9. *Aerial photography.* Information on available aerial photography can be obtained from the U.S. Geological Survey at the following address and phone number:

U.S. Geological Survey
EROS Data Center
User Services Section
Sioux Falls, South Dakota 57198
605-594-6151

WHAT IF I AM UNABLE TO OBTAIN ANY OF THE SOURCES LISTED ABOVE?

IF YOU CANNOT furnish some proof such as the examples listed above, you may submit your own testimony, in the form of an affidavit (a letter signed by the you and notarized), which explains the basis for the year of priority claimed. The letter should include a statement of the claimant's personal knowledge of the water use, but may also include information the claimant obtained from others.

DOCUMENTS WHICH ARE NOT SUFFICIENT EVIDENCE OF THE PRIORITY DATE CLAIMED

1. **STATUTORY CLAIMS** filed pursuant to Idaho Code 42-243. In the late 1970's, legislation was enacted that required persons with beneficial use rights to register them with IDWR. These "claims" were declarations of the water right owners, and were not investigated or verified. Notices of claims in the SRBA are different, because they will be investigated and verified, resulting in a decree that confirms the water right and properly describes it.

The statutory claim may be evidence of a water right claimed in the SRBA if the times and quantities of use claimed in the SRBA are substantially the same as they were on the statutory claim. **EVEN THEN**, the statutory claim is evidence of

such use **ONLY** as the date the statutory claim was filed - **NOT** as of the priority date claimed either in the statutory claim or the notice of claim filed in the SRBA.

2. **POSTED NOTICES.** The posted notice may be evidence of a priority date as of the date the notice was posted, but **ONLY IF** some evidence is submitted showing completion of the appropriation within a reasonable time after posting of the notice.

WHAT WILL HAPPEN IF EVIDENCE OF THE PRIORITY DATE IS NOT SUBMITTED?

IDWR will not recommend the claim to be decreed by the court if no evidence of the priority date is submitted. If proof is submitted but it supports a year of priority later than the year claimed, then a later year will be recommended.

**CALL TOLL-FREE
1-800-451-4129**

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION BUREAU
BOISE IDAHO 83720-0089
(208) 287-4910
IDWR/2-05/3000/42003

EVIDENCE OF PRIORITY

**A GUIDE TO
SOURCES WHICH
MAY CONSTITUTE
PROOF OF THE
PRIORITY DATE
OF YOUR WATER RIGHT**



IDAHO DEPARTMENT OF WATER RESOURCES
FEBRUARY 2005

EVIDENCE OF PRIORITY DATE FOR CLAIMS FILED IN THE SRBA

IF YOU HAVE RECEIVED A LETTER FROM THE DEPARTMENT OF WATER RESOURCES INFORMING YOU THAT YOU MAY HAVE TO SUBMIT PROOF OF BENEFICIAL USE THE INFORMATION BELOW WILL ASSIST YOU IN FINDING THE NECESSARY DOCUMENTATION.

WHAT IS A PRIORITY DATE?

The Priority date is one of the elements of the water right which you were required to state on your notice of claim. The priority date is the basis upon which water is distributed in times of shortage. When there is not enough water to satisfy all existing water rights, then water is distributed first to those with the oldest priority date.

WHAT IS A BENEFICIAL USE WATER RIGHT?

A beneficial use water right is one that is based on actual use of the water, and is not documented by a permit or license issued by IDWR, or a decree issued by a court. A beneficial use water right is established by putting the water to beneficial use, such as for domestic and stockwatering, irrigation, hydropower, commercial or industrial

use, or aquaculture, among others.

Generally, the priority date of a beneficial use right is the date the water was first put to beneficial use. This date is NOT NECESSARILY WHEN YOU ACQUIRED THE PROPERTY, or WHEN YOU FIRST MADE BENEFICIAL USE. A previous owner could have established beneficial use, which you continued.

There is a special category of beneficial use rights called "posted notice" rights, to which special rules apply. Prior to 1903, Idaho had a "posted notice" statute, which provided for posting of a notice including specified information at the point of diversion, recording of the notice at the county recorder's office, and actual diversion and beneficial use within a reasonable time after posting, among other things. If the statutory requirements were met, then the priority date was the date of posting the notice. These "posted notice" water rights are considered a type of beneficial use water right because they are not confirmed by a permit, license, or decree.

FOR WHICH CLAIMS IS EVIDENCE OF PRIORITY DATE REQUIRED?

Each claim filed in the SRBA is the claimant's affidavit (statement) of the elements of the water right being claimed. Some claimants in the SRBA will be required to submit additional evidence of the priority date of the water right IF:

1. *the claim is based on beneficial use*
AND

2. *the claim is NOT a small domestic and stockwater claim.*

NOTE: Additional proof of priority for beneficial use claims for small D&S uses will not be required unless specifically requested by IDWR.

The claim is a beneficial use claim if it is not based on a permit or license issued by IDWR or a decree issued by the court.

Small domestic and stockwater uses are very specifically defined by statute, and proof is required for a beneficial use claim if the use claimed does not meet that definition. If your claim was accepted with a \$25.00 fee, then your claim was probably a small domestic and stockwater claim.

WHAT KIND OF EVIDENCE IS REQUIRED?

SOME evidence of the YEAR of the priority claimed is sufficient. Conclusive evidence is not required. Evidence of the month and day is not required, but should be included if available.

Documentation of the priority date claimed can take almost any form. Generally, the document will be sufficient if it tends to show that water was used:

1. *For the purpose claimed,*
2. *In the year claimed as the priority date,*
AND
3. *On the land claimed as the place of use or by the owner of that land.*

It is possible for a water right to have been established on one parcel of land and then transferred for use on another parcel of land. In such cases, the evidence should tend to show that water was used on the original place of use or by the owner of the original place of use to meet the third part of the requirement.

SOME EXAMPLES OF DOCUMENTS WHICH MAY BE EVIDENCE OF THE PRIORITY DATE

Note: Proof of ownership of land by a title or warranty deed usually does not, by itself, constitute proof of a priority date since the priority is based on use of water.

Here are a few examples and there may be others, but the proof must meet the general requirements highlighted above.

1. *Affidavits* - a notarized statement of someone with personal knowledge of when beneficial use was first made, such as a neighbor or a previous owner of the property. Personal knowledge means someone who observed the use, not someone who was told of the use by someone else.
2. *For irrigation claims* - crop reports, income tax documents showing income from sale of crops, or property tax documents showing property was taxed as irrigated agriculture.
3. *For ground water rights* - the report



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX Transmittal Cover Sheet

Number of pages including this one: 7

Date: 12/7/05

To: Rod Gonsales

Fax No.: 208-764-3009

From: Math Anders

Fax. No.: _____

Phone No.: 208-287-4937

Subject: Claims that require evidence of priority. Carter Fritschle of
IDWR asked me to fax this to Jim Speck (208-726-0752).