

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 37-21128
Date Received: 7/8/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOWREY HASCALL KAMMER Phone: (208)578-3515
398 BROADFORD RD
BELLEVUE ID 83313

TAMI SIPE KAMMER Phone: (208)578-3515
398 BROADFORD RD
BELLEVUE ID 83313

2. Date of Priority: 12/31/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	35	SE NW NE	BLAINE	

5. Description of diverting works:

well, 12 ft deep, mainline, handlines, guns.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.24	

7. Total Quantity Appropriated is:
0.24 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
02N	18E	35	NW	NE	IRRIGATION	12
					Section Acres	12
					Total Acres	12

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:

14. Remarks:

point of diversion changed to well for 37-07178 before November, 1987 by installing bigger pump to increase flow.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-12540.

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 9, 2003

LOWREY HASCALL KAMMER
TAMI SIPE KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-33, 37-7178A, 37-12538, 37-12539, 37-21128
Decreed Water Right 37-12541

Dear Mr. and Mrs. Kammer:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED
JUN 17 2003
Department of Water Resources
Boise, Idaho

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
<u>SEE ATTACHED COPY OF RECORDED WARRANTY DEED</u>					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) BRUCE S. TIDWELL and LESLIE A. TIDWELL
4. New Owner/Claimant(s) LOWREY HASCALL KAMMER AND TAMI SIPE KAMMER
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 398 BREMAFORD ROAD
- City, State and ZIP Code BELLEVUE, ID 83313
- New Telephone Number (208) 578-3515
5. Date you acquired the property March 13, 2003

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 _____		
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	_____	_____

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) _____

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P. O. Box 987
Ketchum, Idaho 83340

Instrument # 480240
HAILEY, BLAINE, IDAHO
2003-03-13 03:53:00 No. of Pages: 2
Recorded for: AMERITITLE
MARSHA RIEMANN Fee: 6.00
Ex-Officio Recorder Deputy
Index to: WTYGICORP DEED

(space above line for Recorder's use)

QUITCLAIM DEED

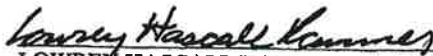
FOR VALUE RECEIVED, we, LOWREY HASCALL KAMMER and TAMI SIPE KAMMER, co-trustees of the Kammer Family Trust dated May 6, 1998, ("Grantors"), do hereby convey, release, remise and forever quitclaim to LESLIE A. TIDWELL, an unmarried woman, of Post Office Box 2919, Ketchum, Idaho 83340 ("Grantee"), all our right, title and interest in and to the following described water rights, situated in Blaine County, Idaho, to wit:

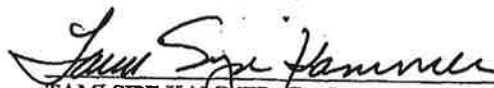
0.02 cfs of groundwater pursuant to Water Right No. 37-7178B for the irrigation of two (2) acres within the NW1/4 NE 1/4, S.35, T.2N., R. 18E, B.M., Blaine County, Idaho.

0.04 cfs of groundwater pursuant to Water Right No. 37-12540B for the irrigation of two (2) acres within the NW1/4 NE 1/4, S.35, T.2N., R. 18E, B.M., Blaine County, Idaho.

DATED this 13 day of March, 2003.

GRANTORS:


LOWREY HASCALL KAMMER, Co-Trustee
of the Kammer Family Trust dated May 6, 1998


TAMI SIPE KAMMER, (Co-Trustee of the Kammer
Family Trust dated May 6, 1998

STATE OF IDAHO)
) ss.
County of Blaine)



On this 13 day of March, 2004, before me the undersigned notary public in and for said state, personally appeared LOWREY HASCALL KAMMER and TAMI SIPE KAMMER, known or identified to me to be the trustees of THE KAMMER FAMILY TRUST dated May 6, 1998 and the persons who executed the foregoing instrument on behalf of said trust and acknowledged to me that said trust executed the same.

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

A handwritten signature in black ink, appearing to read "E. Gray", written over a horizontal line.

Notary Public for Idaho

Residing at : Blaine County Idaho

Comm. Expires: 8/25/05

QUITCLAIM DEED - 2

Order No. 50925

QUITCLAIM DEED

Instrument # 480239
HAILEY, BLAINE, IDAHO
2003-03-13 03:53:00 No. of Pages: 2
Recorded for: AMERITITLE
MARSHA RIEMANN
Ex-Officio Recorder Deputy
Index to: WTYOICORP DEED
Fee: 6.00

FOR VALUE RECEIVED

BRUCE S. TIDWELL, an unmarried man and **LESLIE A. TIDWELL**, an unmarried woman

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

LOWREY HASCALL KAMMER and **TAMI SIPE KAMMER**, CO-TRUSTEES OF THE KAMMER FAMILY TRUST
DATED MAY 6, 1988

whose address is: **75-295 Purple Hills Road, Indian Wells, CA 92210**

the following described premises situated in **Blaine** County, Idaho, to wit:

The following water rights appurtenant to the property described in Exhibit "A"

**Water Right No. 37-12541, Water Right No. 37-07178, Water Right No. 37-12538, Water Right No. 37-12539,
Water Right No. 37-12540 and Water Right No. 37-00033.**

together with their appurtenances.

Dated: **March 5, 2003**

Bruce S. Tidwell
BRUCE S. TIDWELL

Leslie A. Tidwell
LESLIE A. TIDWELL

State of Idaho

}
}ss.

County of Blaine

On this 6th day of March, in the year 2003, before me, the undersigned, personally appeared **BRUCE S. TIDWELL**, 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.

WITNESS my hand and official seal.

Jan Burrell
Notary Public

Commission Expires: 2.18.2004

State of Idaho

}
}ss.
}

County of Blaine

On this 12th day of March, in the year 2003, before me, the undersigned, personally appeared **LESLIE A. TIDWELL**, 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.

WITNESS my hand and official seal.

Jan Burrell
Notary Public

Commission Expires: 2.18.2004



EXHIBIT A

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: A parcel of land lying within the N½ of the NE¼ of said section, more particularly described as follows:

BEGINNING at the 5/8" bar marking the N¼ corner of said Section 35; thence
S. 00° 15' 12" W., 276.30 feet along the center-section line to a bar on the south
side of Broadford Road; thence
S. 79° 28' 00" E., 298.10 feet to a bar; thence
N. 77° 57' 00" E., 400.80 feet to a point on the west side of Mabee Slough, being the
TRUE POINT OF BEGINNING; thence
S. 18° 05' 00" W., 310.62 feet to the center of the slough; thence
Along the center of the slough the following 13 courses; thence
S. 73° 40' 00" E., 22.40 feet; thence
S. 07° 09' 00" W., 223.90 feet; thence
S. 04° 18' 00" E., 115.30 feet; thence
S. 13° 12' 00" W., 261.00 feet; thence
S. 17° 13' 00" E., 94.80 feet; thence
S. 63° 37' 00" E., 90.20 feet; thence
N. 70° 51' 00" E., 81.90 feet; thence
N. 21° 36' 00" E., 93.60 feet; thence
N. 44° 31' 00" E., 63.00 feet; thence
N. 78° 47' 00" E., 126.50 feet; thence
N. 54° 34' 00" E., 184.70 feet; thence
N. 16° 28' 00" E., 131.30 feet; thence
N. 65° 14' 00" E., 333.30 feet; thence
N. 05° 48' 00" W., 262.20 feet along the old fence; thence
N. 01° 05' 30" E., 233.00 feet along the old fence to a point on the south side of
Broadford Road; thence
S. 83° 54' 00" W., 373.05 feet along the road; thence
S. 87° 43' 45" W., 298.00 feet to a point on the east bank of the slough; thence
N. 54° 15' 15" W., 42.87 feet to the Northeast corner of Tax Lot 226; being the TRUE
POINT OF BEGINNING.
(TL 6459)

AND

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 35: A parcel of land lying within the N½ of the NE¼ of said section, more particularly described as follows:

BEGINNING at the 5/8" bar marking the N¼ of said section 35; thence
S. 0° 15' 12" W., 276.30 feet along the center-section line to a bar on the south side
of Broadford Road; thence
S. 79° 28' 00" E., 298.10 feet along said road to a 5/8" bar bearing S. 41° 25' 18" E.,
441.14 feet from said N¼ corner being the TRUE POINT OF BEGINNING; thence
S. 10° 16' 15" W., 120.62 feet to the center of Mabee Slough; thence
Along the center of said slough, S. 73° 40' 00" E., 330.40 feet; thence
N. 18° 05' 00" E., 310.62 feet to a point on the west side of Mabee Slough; thence
S. 77° 57' 00" W., 400.80 feet along the Broadford Road to the TRUE POINT OF
BEGINNING. (TL 6460)

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

CIVIL CASE NUMBER: 39576

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

Ident Number A37-12540

Date Received _____

Receipt Number _____

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 18 2000
Department of Water Resources
Southern Region

1. Name of Claimant(s): Bruce S. Tidwell and/or Leslie Tidwell
Phone: 1-208-726-3994
Mailing Address: P.O. Box 2919
Ketchum, ID 83340

2. Date of Priority: December 31, 1962

3. Source of water supply (a) ground water
which is tributary to (b)

4. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
2N	18E	35	SE	NW	NE		Camas

Additional points of diversion if any:

5. Description of existing diversion works: Well, 12 ft. deep, pump, mainline, handlines, guns

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.28 cfs

7. Total Quantity Claimed: 0.28 cfs

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses:

10. Place of use:

<u>TWP</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
2N	18E	35		14															14
TOTALS																			14

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above?

A37-00033, A37-07178, A37-12538, A37-12539

14. **Remarks:** Point of diversion changed to well for 37-07178 before November, 1987 by installing bigger pump to increase flow.

15. **Basis of Claim:** beneficial use

IDWR Water Right Number:

Court:

Case Number:

Decree Date:

Plaintiff v. Defendant:

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

Date

State of Idaho)

) ss.

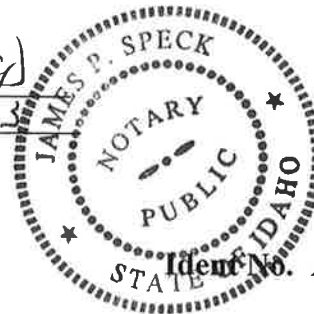
County of Blaine)

Subscribed and sworn before me this 14 day of April, 2000.

Notary Public for Idaho

Residing at Blaine County, ID

Commission Expires 1/29/2003



Last Name: Tidwell

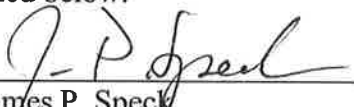
H:\WPDATA\JIM\TIDWELL\Water\AmendClaim.3712540.wpd

Ident No. A37-12540

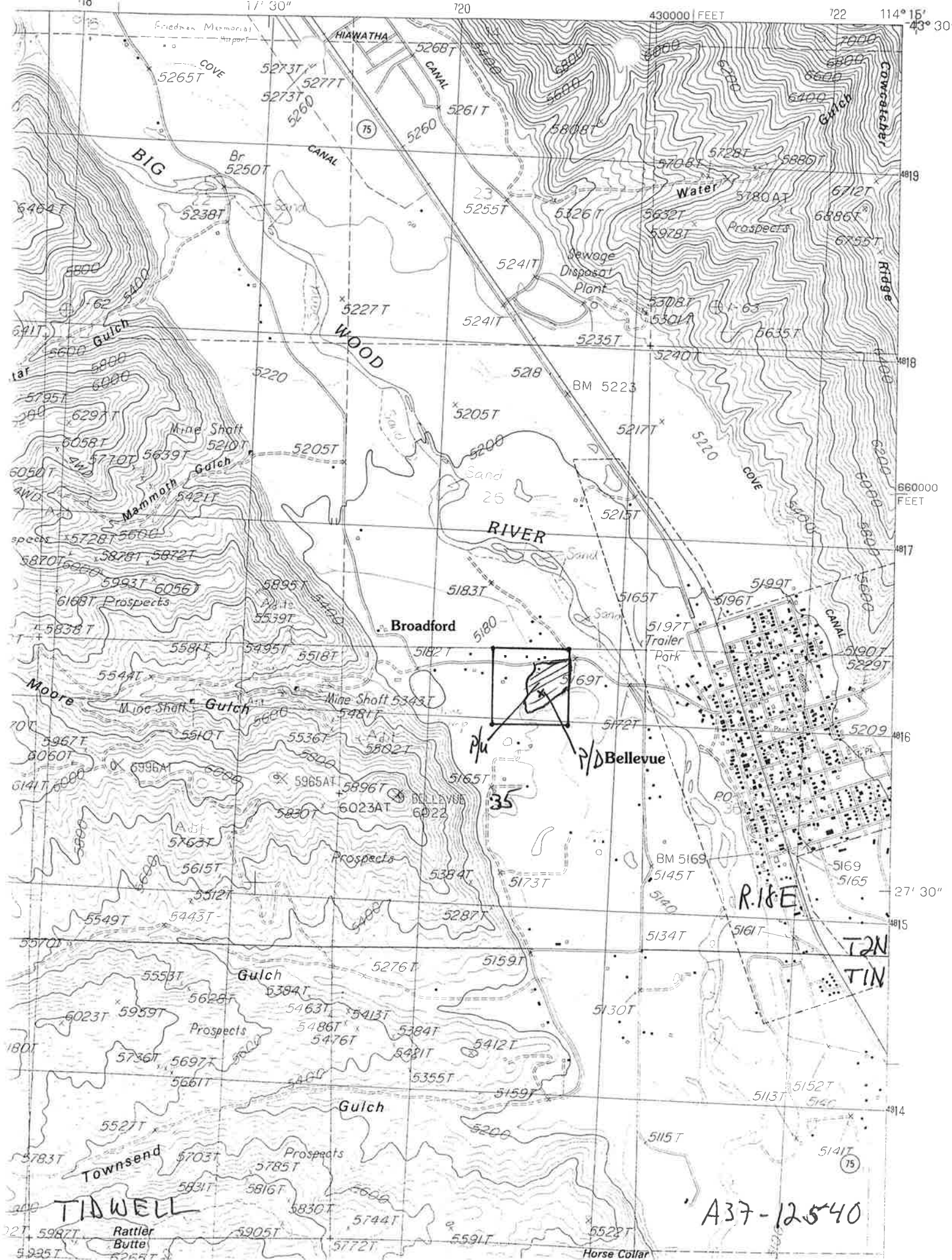
4/13/00

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: 
James P. Speck
Speck & Aanestad
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: April 14, 2000.



A37-12540

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

April 18, 2000

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RECEIVED
APR 18 2000
Department of Water Resources
Southern Region

**Re: Leslie Tidwell - Application for Transfer and
Amended Notice of Claim
Our File No.: 125/970039**

Dear Allen:

I represent Ms. Leslie (Kiki) Tidwell. Last summer my client filed an Application for Transfer of portions of her Water Right License 37-07178 and Beneficial Use Claim A37-12540. In a November 24, 1999 letter, Jim Stanton raised several questions which I believe we have, for the most part, responded to by this letter and the enclosures.

First, my client has amended SRBA A37-12540 to change the point of diversion for this beneficial use claim to the same well which is the point of diversion for Water Right License 37-07178. This reflects what was actually done by the installation of a new and larger second pump in this well prior to November, 1987. This qualifies as an accomplished transfer under Idaho Code § 42-1425.

Second, Jim was concerned about the overlapping Broadford Slough water right (37-00033). We do not wish to transfer a portion of that water right. Instead, upon approval of the transfer, that portion of this right which irrigates 2 acres of the current place of use will be relinquished. This is noted in the Remarks.

Finally, we are in the process of obtaining affidavits from older residents of the area familiar with the property who can attest to the fact that this land was irrigated with ground water prior to December 31, 1962 in order to provide evidence of the priority of our claim A37-12540.

I am assuming the Department still has the filing fee for the original transfer. Please substitute the enclosed Application and apply that fee. The original of the earlier Application should be returned to me.

Mr. Allen Merritt
April 18, 2000
Page - 2

Please call right away if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client (w/encls.)

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: A37-12540

Date Received: 10/25/1988

Receipt No: C004047

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUCE S. TIDWELL 208-788-2193
Address: P.O. BOX 2919
KETCHUM, ID 83340

AND/OR
Name: LESLIE TIDWELL 208-788-2193
Address: P.O. BOX 2919
KETCHUM, ID 83340

2. Date of Priority: DEC 31, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	35	SE	NW	NE		BLAINE

5. Description of diverting works:

WELL, 12' DEEP, PUMP, MAINLINE, HANDLINES, GUNS, SOME FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.280		

7. Total Quantity Appropriated is:

0.280 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-12540

Page 1

Date: 01/23/89

MICROFILMED

MAR 01 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	35	NW	NE		IRR	14.0
Section Acres							14.0
Total Acres							14.0

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:

A37-00033, A37-07178, A37-12538, A37-12539

14. Remarks:

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

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: 39356
Ident Number A37-12540
Date Received 10-25-88
Receipt Number 6064047

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 25 1988

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Bruce S. Tidwell &/or Leslie Tidwell
Phone: (208) 788-2193
Mailing Address: P.O. Box 2919
Ketchum, ID 83340

2. Date of Priority: 1962

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
2N	18E	35	SE	NW	NE		Blaine

Additional points of diversion if any: None.

b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

5. Description of existing diversion works: Approx. 12 ft. deep well
and pump, mainline, handlines, guns and some flood irrigation.

MICROFILMED

MAR 01 1993

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	0.28 cfs

7. Total Quantity Claimed: 0.28 cfs

8. Total consumptive use claimed is 35 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
2N	18E	35	NW	NE	I	14

Total number of irrigated acres: 14

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? 37-0033, 37-7178, 2 other beneficial use well claims.

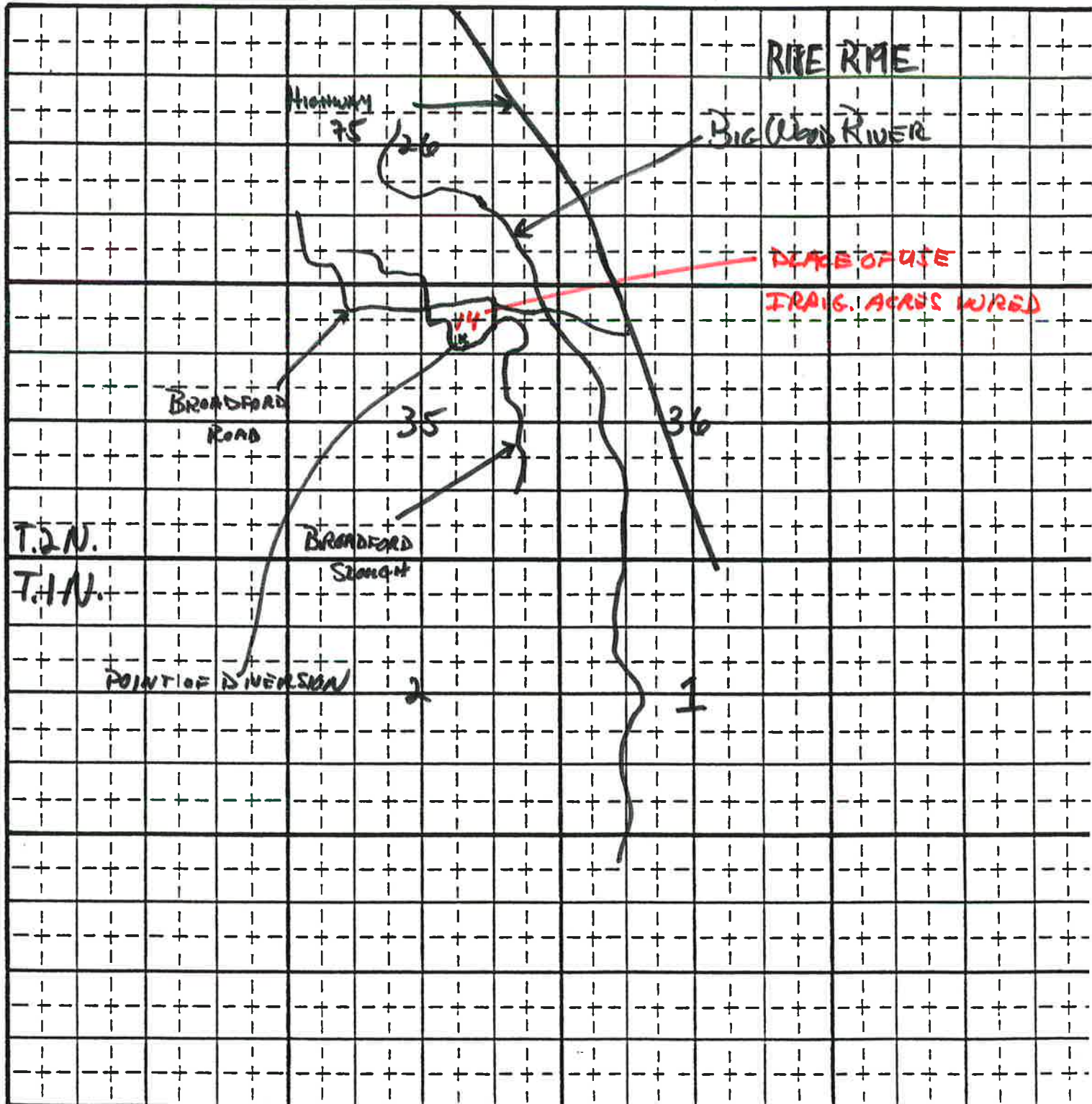
14. Remarks: Old hand dug well used for irrigation of small portion of parcel. Soil is extremely pourous - gravelly, sandy loam - Little Wood River Series.

Last Name: Tidwell Ident No. _____

MICROFILMED
MAR 0 1 1993

Map of Project: show clearly the point of diversion, place of use, section num township, and range number.

Scale: 2 inches equals 1 mile



Last Name TIDWELL Ident No. _____

Copies: White State, Yellow Claimant

MAR 01 1993

15. Basis of Claim: Beneficial Use

IDWR Water Right Number:

Court:

Case Number:

Decree Date:

Plaintiff v. Defendant:

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____

Date 10/24/88

State of IDAHO)

) ss.

County of BLAINE)

Subscribed and sworn before me this 27 day of October, 1988.

Notary Public _____

Residing at _____

Commission Expires 1/22/91

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: _____

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: _____

Last Name: Tidwell
a:\tidwell15.clm

Ident No.: _____

MICROFILMED

MAR 01 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

Attorneys at Law

120 East Avenue

Post Office Box 987

Ketchum, Idaho 83340

Phone: (208) 726-4421

FAX: (208) 726-0752

FAX MEMO/COVER SHEET

DATE: October 7, 1994

TIME: 11:52 am

PAGE 1 OF 1

TO: Idaho Department of Water Resources/Southern Region

FAX NUMBER: 208/736-3037

FROM: Jenifer Lytle for James P. Speck

RE: Bruce S. Tidwell or Leslie Tidwell Water Right Claims

Please mail copies of the claims for the following water rights, as they were entered in your database.

A37-07178

A37-00033

A37-12538

A37-12539

A37-12540

A37-12541

Please call if you have any questions. Thank you for your assistance.

OCT 07 1994Department of Water Resources
Southern Region Office

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 18 2010	
By _____	Clerk _____ Deputy Clerk _____

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

) Subcase No: 37-33

) 37-21128 (Conditions only)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

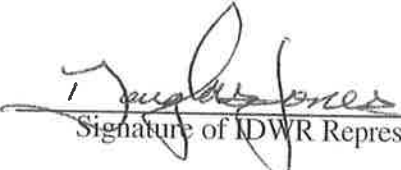
☐ Change in Ownership
☒ Point of Diversion
☐ Period of Use

☐ Split of Water Right
☐ Place of Use
☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2/12/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-18, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

Lowrey Hascall Kammer
Tami Sipe Kammer
398 Broadford Rd
Bellevue ID 8313



Signature of person or attorney mailing the form

02/04/2010

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

RIGHT NUMBER: 37-33

NAME AND ADDRESS: LOWREY HASCALL KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

TAMI SIPE KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.720 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre when delivered via pump and pressurized irrigation system, nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Rights 37-33 and 37-21128 when combined shall not exceed a total diversion rate of 0.72 cfs and the irrigation of 12 acres.

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION:

T02N R18E S35 NWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.720 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S35 NENE 1.00	T02N R18E S35 NWNE	11.00
	12 ACRES TOTAL		

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 right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/04/2010

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

RIGHT NUMBER: 37-21128
NAME AND ADDRESS: LOWREY HASCALL KAMMER
398 BROADFORD RD
BELLEVUE ID 83313
TAMI SIPE KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
36.00 AFY

Right Nos. 37-33 and 37-21128 are limited to a total combined diversion rate of 0.72 cfs, and when diverted via pump and delivered via pressurized irrigation system shall not exceed a total combined diversion rate of 0.24 cfs.

PRIORITY DATE: 12/31/1962

POINT OF
DIVERSION:

T02N R18E S35 NENWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.120 CFS 36.00 AFY
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S35 NENE 1.00	T02N R18E S35 NWNE	11.00
	12 ACRES TOTAL		

Right Nos. 37-33 and 37-21128 are limited to the irrigation of a combined total of 12 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right 37-12539 is also diverted through the point of diversion described above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

February 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LOWREY HASCALL KAMMER
TAMI SIPE KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-33, 37-21128

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73570

This is to certify that: **LOWREY HASCALL KAMMER**
 398 BROADFORD RD
 BELLEVUE ID 83313

And

TAMI SIPE KAMMER
 398 BROADFORD RD
 BELLEVUE ID 83313

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-33	AJC/Decreed	07/01/1887	0.72 cfs	N/A	N/A	12.0	BIG WOOD RIVER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-21128	AJC/Beneficial Use	12/31/1962	0.12 cfs	36 af	N/A	12.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-33	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-33	37-33	0.24 cfs	N/A	N/A	12.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.24 cfs	N/A	N/A	12.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of September, 2007

 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 37-33

WATER RIGHT NO. 37-33
As Modified by Transfer No. 73570

In accordance with the approval of Transfer No. 73570, Water Right No. 37-33 is now described as follows.

Right Holder: LOWREY HASCALL KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

And

TAMI SIPE KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

Priority Date: July 01, 1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.24 CFS
			0.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NWNE Sec. 35 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	35	1.0	11.0															12.0

Total Acres: 12

WATER RIGHT NO. 37-33
As Modified by Transfer No. 73570

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. Rights 37-33 and 37-21128 when combined shall not exceed a total diversion rate of 0.24 cfs and the irrigation of 12 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The source at the point of diversion for this right is known locally as the Clearwater Slough.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of September, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21128
As Modified by Transfer No. 73570

In accordance with the approval of Transfer No. 73570, Water Right No. 37-21128 is now described as follows.

Right Holder: LOWREY HASCALL KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

And

TAMI SIPE KAMMER
398 BROADFORD RD
BELLEVUE ID 83313

Priority Date: December 31, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.12 CFS	36.0 AF
			0.12 CFS	36.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWNE Sec. 35 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Tw	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	35	1.0	11.0															12.0

Total Acres: 12

WATER RIGHT NO. 37-21128
As Modified by Transfer No. 73570

CONDITIONS OF APPROVAL

1. Right Nos. 37-33 and 37-21128 are limited to the irrigation of a combined total of 12 acres in a single irrigation season.
2. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. Right 37-12539 is also diverted through the point of diversion described above.
4. Right Nos. 37-33 and 37-21128 are limited to a total combined diversion rate of 0.24 cfs.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of September, 20 07



Chief, Water Allocation Bureau



Idaho Department of Water Resources

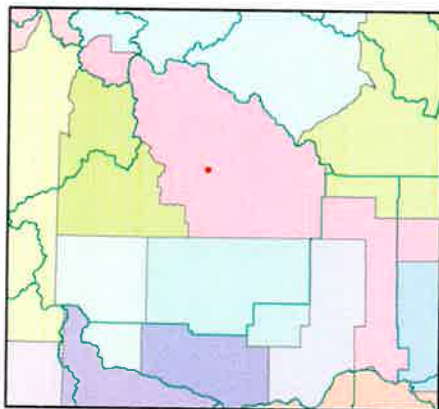
Adjudication Recommendation

37-21128

(IRRIGATION)

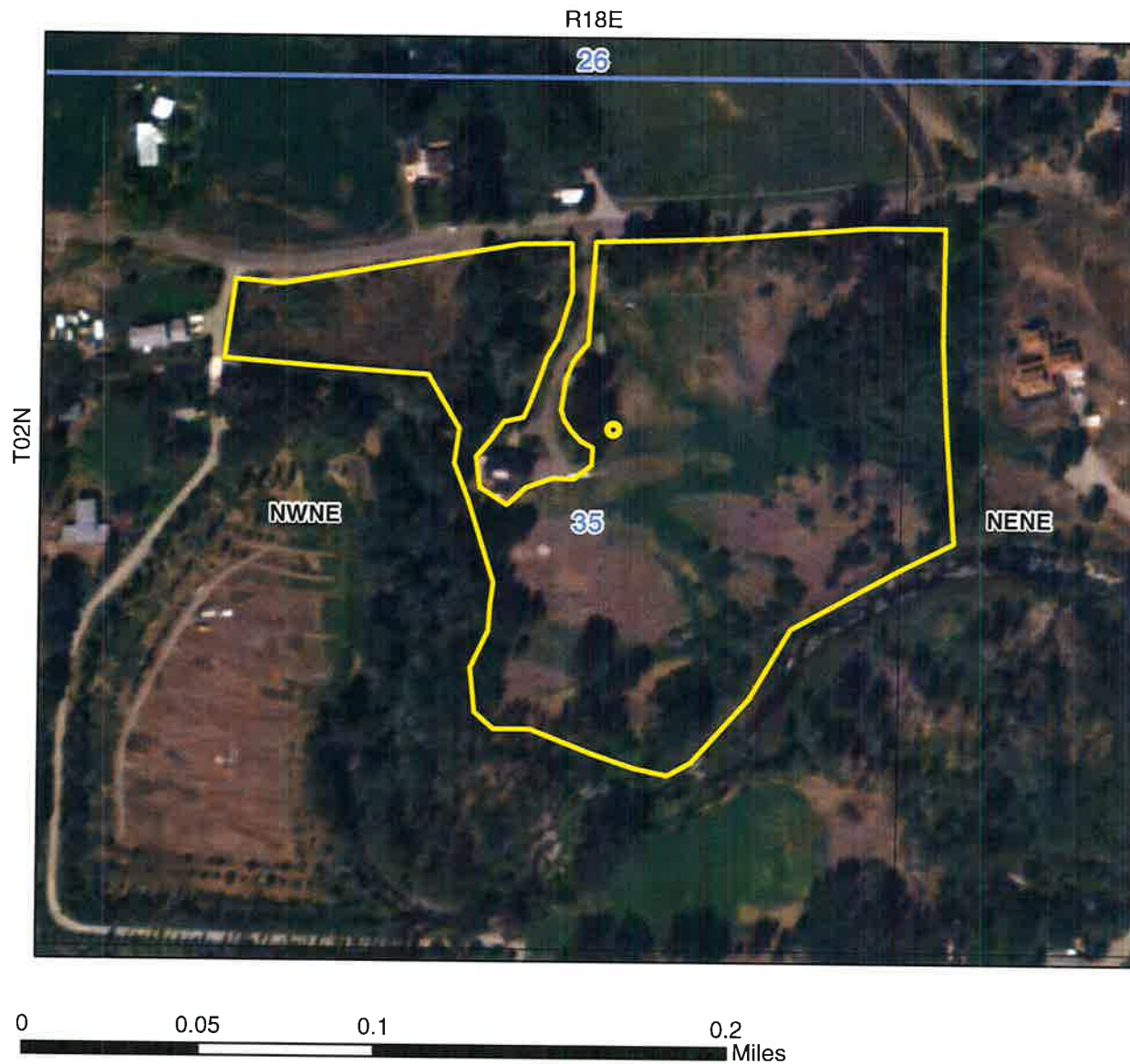
Legend

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



**Blaine County
IDWR Basin 37**

Prepared by Trish Fawcett
On February 04, 2010
2004 Aerial Photography



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

Right 37-12539 is also diverted through the point of diversion described above.



Idaho Department of Water Resources

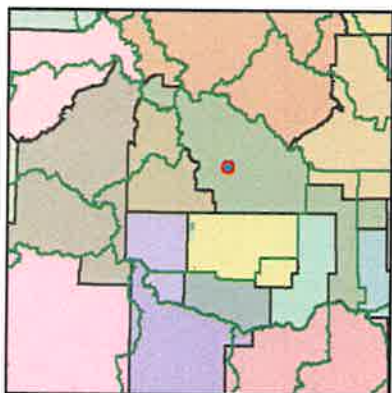
SRBA Recommendation:

37-21128

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Thursday, November 30, 2006
2004 Aerial Photography



Idaho Department of Water Resources

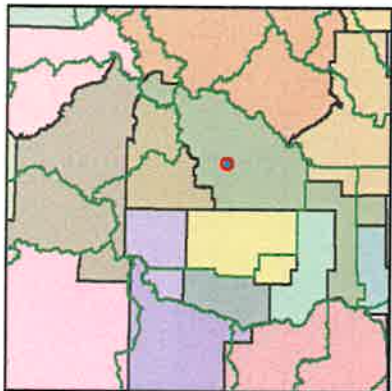
SRBA Recommendation:

37-21128

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by S. Keen
On Thursday, November 30, 2006
2004 Aerial Photography

Kammer Claim Review

37-33 Watermaster List = Kammer Family Trust 0.84 cfs
37-7178A
37-12538
37-12539
37-21128

37-33

- Found in watermaster records. 0.84 cfs
- Claimed 10/25/1988 by Tidwell
- Land looks irrigated on 1987 photography
- 1972 app. for GW (37-7178) makes no mention of SW.
- 1974 field examiner makes no mention of SW
- 2000 Jim Stanton's review of Transfer 68549 (Rt. 37-7178) says A. Mr. Tidwell said it had not been used in ~~2~~ 13 years
B. Watermaster records do not show delivery in previous 5 years.
- 2005 Lee Peterson found the diversion works are not usable due to a change in the river course.

Conclusion: Recommend the right because established period of non-use occurred after the claim was filed, and it is not clear that the GW completely replaced the SW before 1987.

Kammer Claim Review

37-33 Continued

Transfer App. 68549 + 4/13/2000 letter from Jim Speck to Allen Merritt say that 2 acres of the right will be relinquished.

POU Claimed 14 acres. Found ¹²~~14~~ acres.
Recommend ^N~~14~~ acres in NWNE as claimed. ^{1 acre}~~14 acres~~ in WENE.

Rate $0.84 \text{ cfs} / 14 \text{ acres} = .06 \text{ cfs/acre}$
 $.06 \text{ cfs/acre} \times 12 \text{ acres} = 0.72 \text{ cfs}$

POD is in SE NESW, not NWSE. Recommend as accomplished transfer of POD

Kammer

SEE
PAGE
6

37-7178 - The only issue here is the POU. About 1 acre of the 12-acre POU is in the NENE, not the NWNE. The 1975 license and the 2002 transfer depict the entire POU in the NWNE. The 1 acre in the NENE was established by the time the 1987 NAPP photo was taken. This right was the "unchanged" portion of the right after the 2002 transfer. Therefore, it was not really the subject of the transfer, and there does not have to be recommended in accordance with the transfer. I am recommending an accomplished change in the POU to show 1 acre in the NENE.

POD - appears to be in the NE NWNE on the east side of the driveway in some trees under a cover. See Lee Peterson's photo in AS file 37-12539. It matches the photo labeled "Division Works" in Jim Stanton's 2000 exam for 37-7178.

Kammer

37-12538 + 37-12539 + 37-21128

- 1974 - Gary Funderburg conducts an exam for 37-7178 and finds 1 well ^(sump) with 2 pumps. Each of the pumps is 2 h.p. The capacity of 0.14 cfs is determined by adding the flow of 18 Rainbird sprinklers.
- 1988 Tidwell files the ~~two~~³ claims with 1962 priority dates.
- 2000 - Jim Stanton examines the irrigation system prior to working on Transfer 68549. He finds a sump with 2 pumps - a 2.5 h.p. and a 7.5 h.p. - serving a more sophisticated sprinkler system than used in 1974. Jim estimates the system capacity to be 0.35 cfs. Stanton concludes that the diversion capacity was increased after 1974, and he questions the validity of the 3 beneficial use claims.
- 2000 Jim Speck writes IPWR to explain that the increased system capacity is due to an accomplished transfer from the PDDs for the beneficial use claims to the GW diversion found by Jim Stanton.

Kammer

2005 - ~~Bill R~~ Lee Peterson reviews the claimed irrigation system and states that 37-12538 is on land west of the house from a well west of the house and 37-12539 is on land east of the house from a well east of the house. He doesn't mention 37-21128 or its former iteration, 37-12540. His photo of the POD for 37-12538 shows no diversion works.

2006 Bill Rousey submits a letter referring to the three beneficial use claims and stating that they were in use by 1962.

Questions

1. Why didn't the 1974 field examiner find two PODs? Likely answer - there was only one "well" in use by 1974. It would have been expensive to maintain 2 pumping systems for such a small place.

Kammer

Conclusion RE: Ground Water Claims

It is likely that two wells/sumps, as described by Lee Peterson in 2005 and Bill Rousey in 2006, were constructed and used in 1962. We have no evidence, however, of the amount of water diverted and used at that time. It would have been expensive to install and maintain 2 pumping systems; one might even speculate that a portable tractor driven pump was used. By 1974 there was only one well/sump in use, and the system capacity was 0.14 cfs. The increase in capacity after 1974 will have to be covered by a new permit or a transfer unless the claimant can provide convincing evidence that the pre-1974 capacity exceeded 0.14 cfs and that it was not partially forfeited.

Recommendations

- 37-21128 B/u 1962 0.14 cfs 12 acres
A completed transfer of POD from 2 wells to 1.
- 37-12538 - Disallow. Recommended as 37-21128.
- 37-12539 - Irrigation covered by 37-21128. Recommend stock water only.
- 37-7178A - Disallow. Recommended as 37-21128.

★ 37-21128 + 37-33 combined for 0.72 cfs + 12 acres.

RECEIVED

AUG 28 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

05-26-2006

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Id. 83301

To Whom It May Concern:

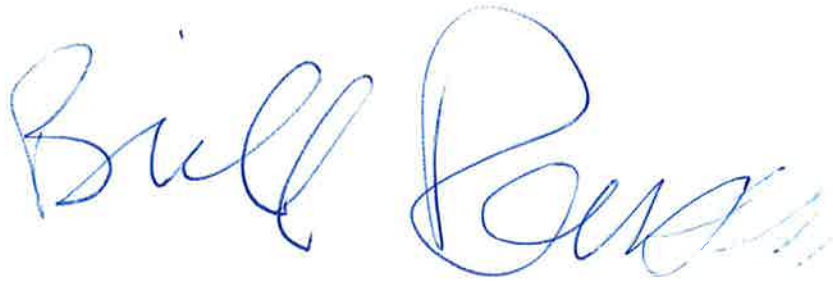
This letter is in response to the letter your office sent to Lowrey Kammer on 04-15-2005, regarding "Evidence of Priority" on water rights: #37-12539, #37-12538 and #37-21128.

I rented a cabin on the adjacent property in 1961 (owned at the time by Mike Ivey) and actually lived at 398 Broadford Road a few years later. I can confirm that the wells used with these water rights were in place in 1962.

If you have any questions regarding this matter, feel free to contact me.

Sincerely,

Bill Rousey
Hailey, Id.



MEMO

TO: File

DATE: 6/15/2000

FROM: J E STANTON

SUBJECT: App. for Transfer, Leslie Tidwell; Field Review

Today I met with Ms. Tidwell (ex-wife of Bruce Tidwell). We viewed both the old and new places of use. The old p/u consists of a lawn/garden area with pop-up sprinklers, and a pasture area with trees. The diversion works consists of a well (a 3-4' cnp 12' deep) with 2 pumps. A 2 ½ hp motor and pumps serves the pop-up sprinklers, while a 7 ½ hp motor and pump serve a buried mainline with risers for handlines and big guns to water the pasture. Water sits about 2' below the ground, and the area is quite subby (it sits on the north side of the Broadford Slough west of Bellevue). MS. Tidwell said that both pumps can be run at the same time, as there is plenty of water in the well for both. In 1974, the licensing examiner found 2 2 hp pumps running 24 rainbirds at 25 psi average pressure; system capacity has obviously been increased since then. Using 2' lift and the same pressure, the system should now pump either 0.35 cfs or 1.03 cfs (the measured flow was much less than the theoretical calculation for the original system).

Although there are 42 inches of decreed water on this property, Ms. Tidwell did not think that they had ever used it (they bought the property about 13 years ago). Watermaster records do not show any use of this right for the last 5 seasons, so it should be considered abandoned. Lee said that the 1887 right is usually cut off in early summer, so would not be available when it was needed most. With such a good well, it was probably not worth the trouble of maintaining a surface diversion for a month or so of early-season use.

The new p/u was a parcel of state land that was sold in 1998 for the subdivision there; we received a Change of Ownership for Claim A37-00402 then. Ms. Tidwell said that the land was leased out and gravity irrigated for pasture before then, and I could not disagree with this based on my inspection of that property. I talked to Dale Mizer, who leased this land until about 1991. He turned his lease over to Kristine Pigeon then, and she kept it until finally purchasing the property (18.4 acres) and 0.81 cfs of the #402 right. Lee Peterson said that this right is normally cut off in mid to late July, so would not be available to maintain landscaping on a permanent basis. The Hiawatha Canal conveys water to the subdivision, which has put in a community irrigation system with a small pond & buried sprinkler system. Lee shows this water as being delivered into the Canal to cover conveyance losses; this conflicts with the SRBA claim, so I'm not sure what to make of this. Mizer, who ran the Hiawatha Canal for years, talked about irrigating with this right. Ms. Tidwell wants to be able to use her own well also. The lot is 2.6 acres, so about 2 acres would be irrigable with the home and driveway out. Although it appears that all of the land is in the SW/NW Sec. 33 based on the GIS map, the subdivision plat

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shows about 0.1 acres in the NW/NW. So I propose to change the application to reflect this.

It appears that both the existing and new places of use have been irrigated, so the transfer would not increase the number of irrigated acres. By drying up land at the old p/u, the number of irrigated acres will actually decrease. On this basis, the transfer should be approved. But there is still the question of flow rates. File evidence indicates that the pumping capacity of the system has increased since 1974, so this increased rate is not claimable in the SRBA (at least it cannot be legalized in this process). In order for us to recognize the higher rate, the claimant would have to refute the examiner's findings. What she should probably do is to withdraw the claim and file a pre-1987 permit to cover the increased flow. Claims A37-12538-12540 cover this system with a 1962 priority date, but there was no supporting documentation in the files. At this point, I can only recommend that 37-07178 be allowed to be transferred. From a practical point of view, it is unlikely that the licensed pumping rate at the existing well will be decreased due to this transfer; it will still be above the licensed rate.

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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

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

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, R.E.
Water Rights Supervisor

Enclosures

**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 10-1-2001

File: t-68549 Tidwell 37-7178 12540

Prepared by Kelly K Christensen

**ADJUDICATION REVIEW OF 37-12540
AS IT RELATES TO T-68544**

Based upon the information currently available for this right I am recommending 37-12540 for disallowal. No lawful appropriation shown as no evidence of priority has been established. Also missing is information to establish a historical place of use and diversion rate.

Also identified in the file but not delt with are two additional claims 37-12538 and 37-12539. They were claimed within the same 14 acre tract with the same priority date and appear to be through the same delivery system. Based upon the limited information availbale, 37-12538 should be recommended for disallowal as 37-12540, if valid, would encompass the same place of use. 37-12539 could be recognized as valid for stockwater only as the claimed acres again are within the same place of use as 37-12540.

The following is copied from e-mail from Garrick Baxter to Kelly K Christensen concerning procedures for recommending claims through the transfer process. Based upon this memo it is my understanding that the adjudication staff cannot approve claims processing through the transfer process without a complete review and recommendation of the rights involved. The allocations conditions that would allow further claims review post transfer, in reality, do not actually grant that authority. It is my understanding that an approved transfer, regardless of remarks, becomes the adjudication review.

(color by Kelly)
Hi Kelly-

I have had a chance to take a closer look and research the issues you raised regarding Transfer No. 68549. As I see it, IDWR should not approve a priority date on a transfer of beneficial use claim when there is no proof of the priority date.

Adjudication Memo 33/Transfer Processing Memo 15 says that "field examinations must be conducted by the regions to confirm the use claimed prior to making final recommendations and forwarding the transfer to the state office."

Thus, we should be making an investigation. If that investigation finds no basis for the priority date claimed, we should not recommend that priority date. **Especially** when we know the current owner is going to sell the property to someone else and leave the new owner holding the bag on the priority date issue. If the current owner can't find any information on the priority date, why do we think a new owner will? *A court will not look favorably on us approving the transfer and then telling the new owner that in reality, they don't have that priority date, even if we include the suggested conditional remarks.* It seems to me to be a good compromise to give the claimant whatever priority date they can prove, then include the conditional remarks and allow the new owner to try for a better priority date in the SRBA if they so desire.

In summary, I don't think we should be using conditional remarks to allow a current owner to push the burden of proof of the priority date onto a new purchaser.

Instead, we should recommend only a priority date for which there is proof and leave it to the new owner to address in the SRBA if they want.

Garrick L. Baxter
Deputy Attorney General
Idaho Department of Water Resources
Phone: (208) 327-7975
Fax: (208) 327-5400
Email: gbaxter@idwr.state.id.us

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

FIELD REPORT LOGCLAIM NUMBER: A37-12540

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
------------	-------------------	---------------------------------	---------------------	-------------------------

PRIORITY DATE	Yes			
POINT OF DIV.				
SOURCE				
PLACE OF USE				
DIV. AMOUNT				
CONSUMPTIVE USE				
USES				
PERIOD OF USE				
BASIS OF CLAIM				

REMARKS:

Field Exam: see A37-12538

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GENERAL INFORMATION

Claim number: A37-12540

LAST: TIDWELL

FIRST: LESLIE

ADDRESS: P.O. BOX 2919

CITY: KETCHUM

STATE: ID ZIP: 83340

PHONE: (208) 788 2193

OWNER CODE: C

OWNER CONNECTOR: +/or

LAST: _____

FIRST: BRUCE S.

ADDRESS: _____

CITY: _____

STATE: _____ ZIP: _____

PHONE: (____) ____-____

OWNER CODE: C

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____-____

DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

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CLAIM NUMBER: A37-12540

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MAR 01 1993

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>35</u>	<u>SE</u>	<u>NW</u>	<u>NE</u>	<u>—</u>	<u>13</u>

SOURCE: GROUNDWATER TRIB: —

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

SOURCE: — TRIB: —

C. REVIEW - FIELD EXAM NEEDED? Y() N()

		ATTACHED	OR	SEE FILE
VERIFIED ()	TOPO MAP/ORTHO-PQ	YES()	NO()	<u>—</u>
WITH: ()	ASCS MAP	YES()	NO()	<u>—</u>
()	WATERMASTER RECORDS	YES()	NO()	<u>—</u>
()	FIELD EXAM	YES()	NO()	<u>—</u>
()	OTHER <u>—</u>	YES()	NO()	<u>—</u>

REMARKS: —
—
—
—
—

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

SOURCE: — TRIB: —

REVIEWED BY — DATE —

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MAR 01 1993

PLACE OF USE REVIEW SHEET (IRRIGATION)

FIELD EXAM REQUIRED: Y() N()

PRESUMPTION FLAG: Y() N()

ROOT WATER RIGHT NUMBERS

TWP	RGE	SEC	1/4	1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
—	—	—	—	—	— / —	— / —	—	—	—
					— / —	— / —	—	—	—
					— / —	— / —	—	—	—
					— / —	— / —	—	—	—
					— / —	— / —	—	—	—
					— / —	— / —	—	—	—
					— / —	— / —	—	—	—
					— / —	— / —	—	—	—
TOTAL ACRES									

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

REMARKS:

REVIEWED BY _____ DATE _____

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MAR 01 1993

A. S.R.B.A CLAIMED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u> TO <u>11-1</u>	<u>.28</u> CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS

B. I.D.W.R. RECORDED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS

PRESUMPTION FLAG: _____

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y() N()

RECOMMENDED AS CLAIMED?

Y() N()

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y() N()

REMARKS:

RECOMMENDED USES:

	PURPOSES	MONTH/DAY	RATE
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS
FOR	_____	FROM <u>-</u> TO <u>-</u>	_____ CFS

REVIEWED BY _____

DATE _____

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DIVERSION AMOUNT REVIEW SHEET

CLAIM #

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

SRBA CLAIMED RATE: CFS IDWR ROOT RIGHT RATE: CFS
 IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.

IS FLOW MEASUREMENT REQUIRED? Y() N()

B. FLOW MEASUREMENTSMEASUREMENT METHOD , SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y() N() If YES complete overlap review.

OTHER RIGHTS LISTED IN CLAIM:

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES X 0.02 CFS/ACRE = CFS.
 (Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N()

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES X CONSUMPTIVE RATE FOR AREA A.F./ACRE =TOTAL CONSUMPTIVE USE ACRE FEET/ANNUMACRES X FIELD APPLIC. RATE FOR AREA A.F./ACRE =TOTAL FIELD APPLIC. ACRE FEET/ANNUME. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

RECOMMENDED DIVERSION RATE: CFSRECOMMENDED CONSUMPTIVE USE: AF/ANNUMRECOMMENDED FIELD HEADGATE APPLICATION: AF/ANNUMREVIEWED BY DATE

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BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM #

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	<u>ACCEPTED AS CLAIMED</u>	<u>NEEDS REVIEW</u>
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
EXCESSIVE AMOUNT _____	()	()

THIS SRBA CLAIM CFS/ACRE _____

OTHER SRBA CLAIMS CFS/ACRE _____

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT # _____	SPLITS # _____	_____ CFS
_____ CFS	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	TOTAL CFS _____	

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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ADDITIONAL ACREAGE FORM

Claim number: A37-12540

[illegible]

TOTAL NUMBER OF ACRES 14

REMARKS:

REVIEWED BY _____

DATE _____

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 MAR 0 1 1993

Water Right Number - A37-12540

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
 TIDWELL

LESLIE

1 - P.O. BOX 2919

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-788-2193

TIDWELL

BRUCE S.

1 - P.O. BOX 2919

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-788-2193

*** A - ATTORNEY ***
 SPECK

JAMES P.

1 - P.O. BOX 987

2 -

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-000-0000

+ - - Priority Date - - +
 12/31/1962

+ - - - Region - - - +

+ - - - Stage - - - +

+ - - - Status - - - +

J - BENEFICIAL USE

+ - - - - Source - - - - - +
 GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
 TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)

02N 18E 35 SE NW NE
 (13) BLAINE

+ - - - - Water Use - - - - - +
 Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 0.280

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
 0.280 35.0

+ - - - - Place of Use - - - - - +
 TwN Rng Sec Tract Lot Acres Code Description County

02N 18E 35 NW NE 14.0 01 IRRIGATION (13) BLAINE

Total Acres: 14.0

+ - - Diversion Means - WELL, 12' DEEP, PUMP, MAINLINE, HANDLINES, GUNS, SOME FLOOD IRR.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-00033, A37-07178, A37-12538, A37-12539

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MAR 0 1 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

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MAR 0 4 1993

Water right number - A37-12540

Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - CLELLAND

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C004047	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR		

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Tidwell

CLAIM IDENT. NO.

A37-12540DATE RECEIVED 10-25-88

CK

COO4047

AMOUNT \$

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

hbt

Comments:

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R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
06/02/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-12540

LAST: TIDWELL
ADDRESS: P.O. BOX 2919
CITY: KETCHUM
PHONE NUMBER: 208-788-2193

FIRST: LESLIE
STATE: ID ZIP: 83340

OWNER CODE: C

LAST: SPECK
ADDRESS: P.O. BOX 987
CITY: KETCHUM
PHONE NUMBER: 208-000-0000

FIRST: JAMES P.
STATE: ID ZIP: 83340

OWNER CODE: A

LAST: TIDWELL
ADDRESS: P.O. BOX 2919
CITY: KETCHUM
PHONE NUMBER: 208-788-2193

FIRST: BRUCE S.
STATE: ID ZIP: 83340

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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OCT 27 1994

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A37-12540 PRIORITY DATE: 12-31-1962 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:

__-__-__

REVIEWED BY _____

DATE _____

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-12540	02N	18E	35	SE	NW	NE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A37-07178	R37-07178

WR RECORDS IN SAME 40 ACRE TRACT

37-04250
37-04267
37-07178
37-08058

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)
DUE TO SOURCE DISCREPANCY?	(Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

REMARKS:

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OCT 27 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____

TRIB: _____

REVIEWED BY: _____

DATE: _____

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A. ROOT WATER RIGHT NUMBERS: A37-12540
R37-12540

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	35	NW	NE		TIDWELL , LESLIE	A37-12540 /14.0	- /	12.0		
						WISE , GEORGE E.	A37-11301 /	- /			
						WISE , GEORGE E.	A37-11302 /	- /			
						IVIE , W. W.	A37-04267 / 9.0	37-04267 / 9.0			
						IVIE , W.W.	A37-11337 /	- /			
						IVIE , W.W.	A37-11338 /	- /			
						SPECK , JAMES P.	A37-07178 /14.0	37-07178 /14.0			
						SPECK , JAMES P.	R37-00033 /14.0	- /			
						TIDWELL , BRUCE S.	A37-12541 /	- /			
						SPECK , JAMES P.	A37-00033 /14.0	- /			
						WISE , KATHLEEN W.	A37-00579 / 3.0	37-00579 / 3.0			
						SPECK , JAMES P.	A37-12538 / 2.0	- /			
						TIDWELL , LESLIE	A37-12539 / 3.0	- /			
						BELLEVUE BIBLE CAMP, ASSEMBLY	A37-13370 /	- /			
						WISE , GEORGE E.	R37-00579 / 3.0	- /			
						SPECK , JAMES P.	R37-07178 /14.0	- /			
						WISE , GEORGE E.	R37-11301 /	- /			
						WISE , GEORGE E.	R37-11302 /	- /			
						IVIE , W.W.	R37-11337 /	- /			
						IVIE , W.W.	R37-11338 /	- /			
						MACDONALD , WILLIAM	R37-11339 /	- /			
						TIDWELL , BRUCE S.	R37-12538 / 2.0	- /			
						TIDWELL , LESLIE	R37-12539 / 3.0	- /			
						TIDWELL , LESLIE	R37-12540 /14.0	- /			
						TIDWELL , BRUCE S.	R37-12541 /	- /			
						IVIE , W. W.		37-08058 / 5.0			
						EITTREIM , WILLIAM D.		37-04250 /			
TOTAL ACRES							A37-12540	14.00		12.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A37-12540 IRRIGATION	FROM 04-01 TO 11-01	.280 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.280 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
37-08254 AESTHETIC	FROM 01-01 TO 12-31	.280 CFS 1.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER? Y(____) N(____) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.280 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED? FIELD
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) DATABASE EXAMINER Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A37-00033, A37-07178, A37-12538, A37-12539

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-12540	GROUNDWATER	TIDWELL , LESLIE	0.280	0.020		
A37-04267	GROUNDWATER	IVIE , W. W.	0.300	0.033		
R37-00033	BIG WOOD RIVER	SPECK , JAMES P.	0.840	0.060		
A37-00033	BIG WOOD RIVER	SPECK , JAMES P.	0.840	0.060		
A37-00579	BIG WOOD RIVER	WISE , KATHLEEN W.	0.500	0.083		
A37-12538	GROUNDWATER	SPECK , JAMES P.	0.080	0.040		
A37-12539	GROUNDWATER	TIDWELL , LESLIE	0.140	0.046		
R37-00579	BIG WOOD RIVER	WISE , GEORGE E.	0.500	0.083		
R37-07178	GROUNDWATER	SPECK , JAMES P.	0.140	0.010		
R37-12538	GROUNDWATER	TIDWELL , BRUCE S.	0.080	0.040		
R37-12539	GROUNDWATER	TIDWELL , LESLIE	0.140	0.046		
R37-12540	GROUNDWATER	TIDWELL , LESLIE	0.280	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-11301	DOMESTIC	WISE , GEORGE E.	FROM 01-01 TO 12-31	.040 CFS	
A37-11302	DOMESTIC	WISE , GEORGE E.	FROM 01-01 TO 12-31	.040 CFS	
A37-11337	STOCKWATER	IVIE , W.W.	FROM 10-01 TO 05-01	.020 CFS	
A37-11338	DOMESTIC	IVIE , W.W.	FROM 01-01 TO 12-31	.040 CFS	
A37-12541	STOCKWATER	TIDWELL , BRUCE S.	FROM 10-01 TO 05-01	.020 CFS	
A37-12539	STOCKWATER	TIDWELL , LESLIE	FROM 01-01 TO 12-31	.020 CFS	

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A37-13370	COMMERCIAL	BELLEVUE BIBLE CAMP, ASSEMBLIE	FROM 01-01	TO 12-31	.400 CFS
R37-11301	DOMESTIC	WISE , GEORGE E.	FROM 01-01	TO 12-31	.040 CFS
R37-11302	DOMESTIC	WISE , GEORGE E.	FROM 01-01	TO 12-31	.040 CFS
R37-11337	STOCKWATER	IVIE , W.W.	FROM 10-01	TO 05-01	.020 CFS
R37-11338	DOMESTIC	IVIE , W.W.	FROM 01-01	TO 12-31	.040 CFS
R37-11339	DOMESTIC	MACDONALD , WILLIAM	FROM 01-01	TO 12-31	.040 CFS
R37-12539	STOCKWATER	TIDWELL , LESLIE	FROM 01-01	TO 12-31	.020 CFS
R37-12541	STOCKWATER	TIDWELL , BRUCE S.	FROM 10-01	TO 05-01	.020 CFS

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
 ACRES _____ x 0.02 CFS/ACRE = _____ CFS
 (Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(____) N(____)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(____) N(____) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 35.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT		_____	_____	_____

REVIEWED BY: _____ DATE: _____

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-12540

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
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SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-12540	0.280	R37-12540	0.280	-	
-	R37-12540	0.280	R37-12540	0.280	-	
TOTAL CFS		0.560	0.560			

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE	FIELD EXAMINER
N	_____

REMARKS:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
06/02/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-12540

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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