

RECEIVED

DEC 2 1969

Department of Reclamation

Affidavit of Publication

I, Gale Z. Brammer, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for two consecutive weeks, commencing

with the issue dated Nov. 6, 1969

and ending with the issue dated Nov. 13, 1969

Gale Z. Brammer

Subscribed and sworn to before me this

26th day of November, 1969

Betty J. Mayo
Notary Public.

Residence: Arco, Idaho.

My commission expires Feb. 4, 1973

PUBLIC NOTICE

NOTICE OF CLAIM
TO A WATER RIGHT
No. 34-4003

Notice is hereby given that
Phillip J. Davies, Leslie, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of .10
cubic feet per second of water
from an unnamed spring with
point of diversion in the NW¼
SE¼ of Sec. 14, T. 7N, R. 25E,
B.M., Butte County; the water is
claimed to be used from January
1 to December 31 for domestic
purposes with a priority of May 1,
1936; the place of use is within
the NW¼SE¼ of Sec. 14, T. 7N,
R. 25E, B.M.

Any exception to this claim of
water right may be filed with the
Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation
Engineer

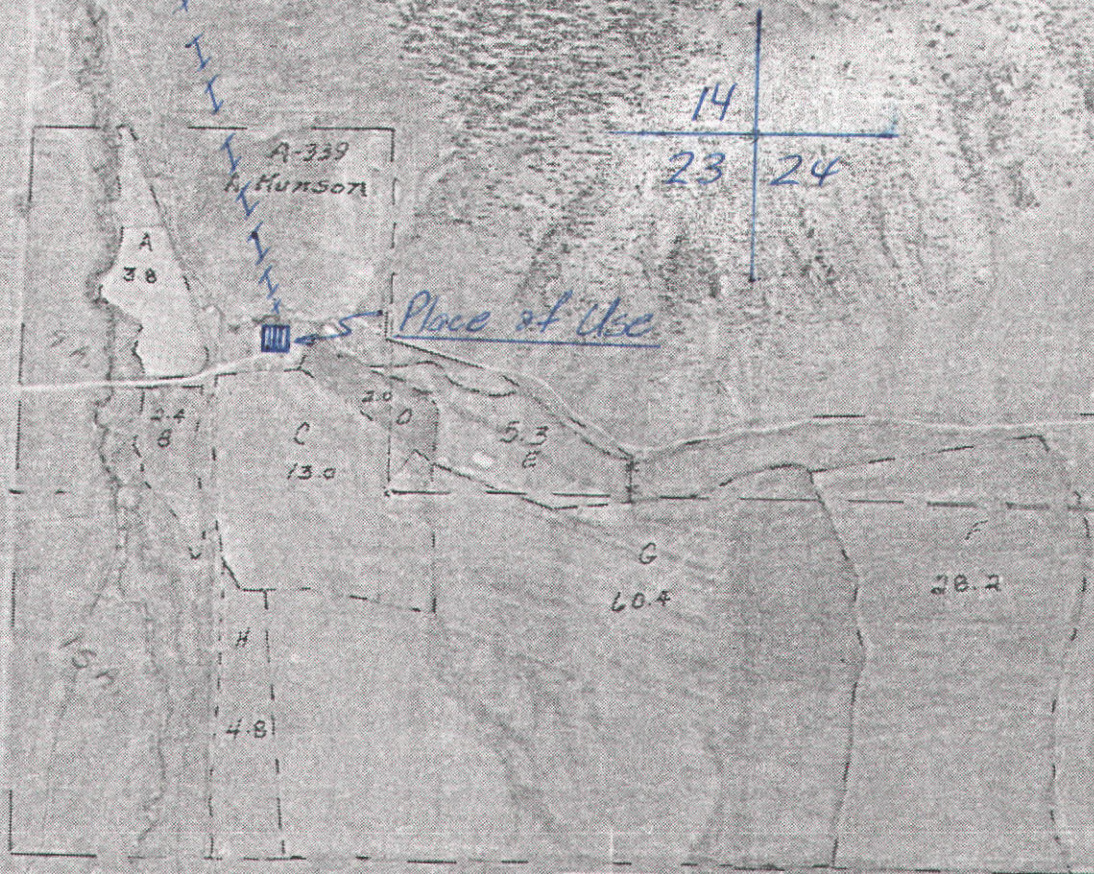
Published in the Arco Adver-
tiser, Arco, Idaho on November 6
and November 13, 1969.

*Bill submitted
12-8-69*

34-4003

TWP 7N
RGE 25E

Spring Box



A34-04003

NOT TO SCALE

2/12/80

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pay the

by the

MICROFILMED

DEC 09 1992
12/23/18

TOTALS

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135000.00

statement for the p
above described is
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perty are a just an

The undersigned hereby authorizes ESCROW AGENT to disburse funds in accor-

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 34-04003

FEB 28 AM 9:04
DIST. CT. COURT-5TH
JUDICIAL DISTRICT
TWIN FALLS, IDAHO
FILED _____

NAME & ADDRESS: CHARLES ROGLER
PO BOX 2928
N CANTON OH 44720

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

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

Department of Water Resources

PRIORITY DATE: 05/01/1936

POINT OF DIVERSION: T07N R25E S14

SWSE

Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER
DOMESTIC 2 HOMES

PERIOD OF USE
01-01 12-31
01-01 12-31

QUANTITY
0.02 CFS
0.04 CFS

PLACE OF USE:

STOCKWATER
T07N R25E S23

Within BUTTE County
NWNE

DOMESTIC
T07N R25E S23

Within BUTTE County
NWNE

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.

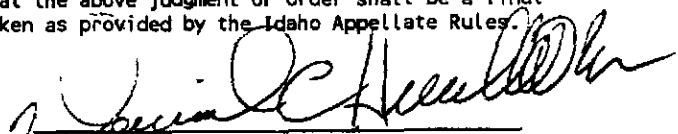
DATED: FEB 28 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

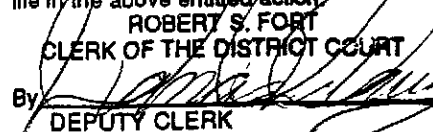
RULE 54(b) CERTIFICATE

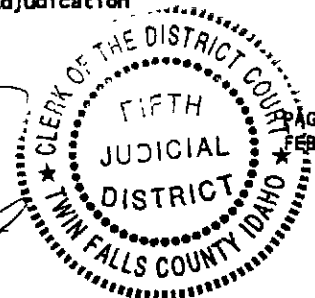
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: FEB 28 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-04003

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
FEB-11-1997

Identification No. _____
Claim No. 34-4003
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Phillip J. Davies
post office address Leslie, Idaho 83249

2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 14 Township 7 N.
Range 25 E.B.M. located on Spring
(name of source)
tributary to No tributary in Butte County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

5/1/1936 amount: .10 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed

use domestic use period of use from year around to 12 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate. material is composed of dam or headgate composed of concrete box and steel pipeline, length is 1200 feet; height is _____ feet; width at bottom is _____ feet, with at top is _____ feet, explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works. is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m., name and address of well driller is _____

34-4003

if feeder canal is used give maximum carrying capacity_____c.f.s., if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served 1 home & farmstead ^{domestic use} name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion Be as specific as possible, giving dates and quantities _____

9. Remarks. please explain any details of your claim which you feel need clarification or additional explanation

This spring was developed by the C.C.s of the early 1930's. They piped the water to the house and farm buildings in the Spring of 1936 and the water has been continuously used since that time.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge

October 21, 1969

(Date)

Phillip J. Davies

(Signature of Claimant)

State of Idaho

County of Guster

ss.

On this 21st day of October 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Eileen Lemmon

Notary Public residing at Mackay, Idaho

My commission expires June 7, 1973

For Department Use Only

Received by de Date 10-24-69

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by R Date 10-27-69

Fee received by ej Date 10-27-69 Fee \$ 10.00

Approved for publication by _____

Published in Idaho Advertiser Dates 11-6-69 to 13-69

34-1005

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows.

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

I, Gale Z. Brammer, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for two consecutive weeks, commencing

with the issue dated Nov. 6, 1969

and ending with the issue dated Nov. 13, 1969

Gale Z. Brammer

Subscribed and sworn to before me this

26th day of November, 1969

LeRoy L. Mayo
Notary Public.

Residence: Arco, Idaho.

My commission expires Feb. 4, 1973

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

No. 34-4003

Notice is hereby given that
Phillip J. Davies, Lessee, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 10
cubic feet per second of water
from an unnamed spring with
point of diversion in the NW 1/4
SE 1/4 of Sec. 14, T. 7N., R. 35E.
B.M., Butte County; the water is
claimed to be used from January
1 to December 31 for domestic
purposes with a priority of May 1,
1936; the place of use is within
the NW 1/4 SE 1/4 of Sec. 14, T. 7N.,
R. 35E. B.M.

Any objection to this claim of
water right may be filed with the
Department of Agriculture.

B. LEON HIGGINS
State Engineer

Published in the Arco Adver-
tiser, Arco, Idaho on November 6
and November 13, 1969.

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: A34-04003
Date Received: 7/22/1988
Receipt No: 8000846
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERNESTINE WALLACE 208-588-3348
Address: P.O. BOX 101
DARLINGTON, ID 83231

2. Date of Priority: MAY 01, 1936

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	25E	14	SW	SE			BUTTE

5. Description of diverting works:
CONCRETE SPRING BOX WITH 500 GAL. STORAGE TANK AND PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ TWO HOMES S/100 SHEEP, 35 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	25E	23	NW	NE		DOMEST	
			NW	NE		STOCK	

A34-04003

Page 1

Date: 07/22/88

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DEC 09 1992

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
NONE

14. Remarks:

SPECIAL USE PERMIT FROM USFS STATES PIPELINE EXTENDS 900 FEET
ONTO FOREST SERVIC LAND AND IS .5 INCHES IN DIAMETER.
THE CLAIM ORIGINALLY FILED BY PHILLIP DAVIES STATE THE SPRING
WAS DEVELOPED BY THE CONSERVATION CORP. IN THE EARLY 1930'S.
IN 1936 THE SPRING WAS PIPED TO THIS HOME STEAD WHERE IT
HAS BEEN USED CONTINUOUSLY.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *Franklin Wilson* Date: 7-22-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22 day

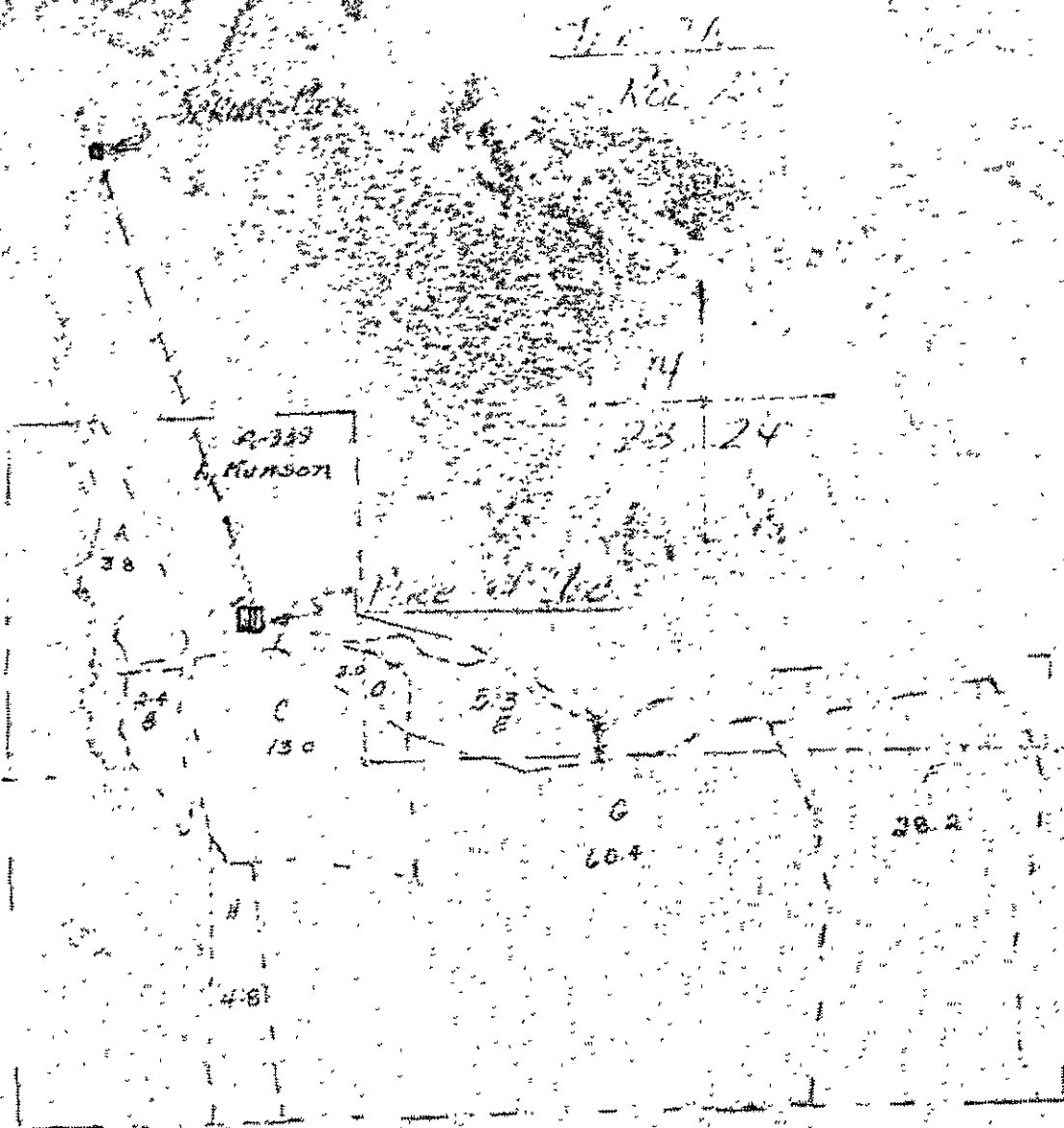
of July 19 88

Seal

Ernest Carlson
Notary Public

Residing at *Idaho Falls, ID*

My Commission Expires *14 June 1994*



A31-64003

NOT TO SCALE

2/7/80

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TOTALS

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12/23/18

statement for the r
above described is
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:58:49
07/19/90

PAGE: 9
QUICKLOOK INFORMATION

CLAIM NUMBER: A34-04003

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			2-26-90 bnc	N	1, 2, 4, 5	2-27-91	2-27-91	2-27-91
POINT OF DIV								
SOURCE								
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

"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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:58:49
07/19/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A34-04003

LAST: WALLACE FIRST: ERNESTINE
ADDRESS: P.O. BOX 101
CITY: DARLINGTON STATE: ID ZIP: 83231
PHONE NUMBER: 208-588-3348

OWNER CODE: C

FIELD EXAM REQUIRED? FIELD
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
Y

CLAIM REMARKS: SPECIAL USE PERMIT FROM USFS STATES PIPELINE EXTENDS 900 FEET
ONTO FOREST SERVIC LAND AND IS .5 INCHES IN DIAMETER.
THE CLAIM ORIGINALLY FILED BY PHILLIP DAVIES STATE THE SPRING
WAS DEVELOPED BY THE CONSERVATION CORP. IN THE EARLY 1930'S.
IN 1936 THE SPRING WAS PIPED TO THIS HOME STEAD WHERE IT
HAS BEEN USED CONTINUOUSLY.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____
DATE OF FIELD EXAM: 9/13/90 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: # A34-04003 PRIORITY DATE: 05-01-1936 STAGE: S

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

REMARKS: _____

N/C

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY EG

DATE 9-27-91

=====

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DEC 09 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A34-04003	07N	25E	14		SW	SE		BUTTE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

34-00007B
34-00009B
34-02153

SOURCE: SPRING

TRIB: SINKS

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
07N	25E	14	N/2	SW	SE		BUTTE

SOURCE:

TRIB:

REVIEWED BY:

DMD

DATE:

9-9-91

MICROFILMED
DEC 09 1992

A. ROOT WATER RIGHT NUMBERS: A34-04003

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	25E	23	NW	NE		WALLACE , ERNESTINE	A34-04003 /	- /			
07N	25E	23	NW	NE		WALLACE , ERNESTINE	A34-04003 /	- /			
TOTAL ACRES							A34-04003				

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: DMD

DATE: 9-9-91

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DEC 09 1991

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A34-04003 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
A34-04003 STOCKWATER	FROM 01-01 TO 12-31	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.060 CFS

PRESUMPTION FLAG:

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

TWO HOMES/SINGLE OWNERSHIP - STOCK FOR 35 COWS, 100 SHEEP PASTURED

MICROFILMED
DEC 09 1996

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.060 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.100 CFS — *OK*

*** 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?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y
FIELD EXAMINER

B.

FLOW MEASUREMENT

MEASUREMENT METHOD No , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

Accepted: CLAIMED

MICROFILMED

DEC 09 1992

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
DOMESTIC	01-01 12-31	DATABASE EXAMINER 0.040 <u>DML</u>	DATABASE EXAMINER _____ _____	DATABASE EXAMINER 0.0 _____ _____
STOCKWATER	01-01 12-31	0.020 <u>DML</u>	_____ _____	_____ _____
TOTAL FOR THIS RIGHT		0.060		

REVIEWED BY: DUP DATE: 9-7-90

MICROFILMED
DEC 09 1992

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	☒	☐
FORFEIT/ABANDON _____	☐	☐
ADDITIONAL DIV. AMOUNT _____	☐	☐

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

MICROFILMED
DEC 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: July 31, 1990

A34-00007B
ERNESTINE WALLACE
P.O. BOX 101

DARLINGTON ID 83231

RE: field examination of a water right claimed
in the Snake River Basin Adjudication

Dear Claimant:

The field staff of this agency plans to conduct water right field examinations of your water right claim during this irrigation season. The identification number of the claim is shown above. If more than one claim is to be field examined, the additional claim identification numbers are listed below. The field examination is necessary to verify your water use.

If you, or someone with knowledge of your water system could be available at the time of the field examination, your cooperation and assistance would be appreciated. We will attempt to contact you by telephone to schedule a time for the field examination. If you have any questions regarding the field examination, you may contact this office.

Sincerely,

Dennis M. Lunn

for

Ernest Carlsen
Water Rights Supervisor, Adjudication

EC:cf:gc

A34-00009B
A34-00008B
A34-04003
ERNESTINE WALLACE
P.O. BOX 101

DARLINGTON ID 83231

MICROFILMED

DEC 09 1992

Prefix Translation: RESEARCH

+ - - Audit Fields - 05/20/91 CORLESS 05/29/91 SRBA 09/27/91 VERNER

Date	User Id	Subject	Comments
09/27/1991	VERNER	COPIED FROM REMARKS SPECIAL USE PERMIT FROM USES STATES PIPELINE EXTENSUS 900 FEET THE CLAIM ORIGINALLY FILED BY PHILLIP DAVIES STATES THE SPRING IN 1936 THE SPRING WAS PIPED TO THIS HOMESTEAD WHERE IT PARCEL NO. RP07425E230290	ONTO FOREST SERVICE LAND AND IS .5 INCHES IN DIAMETER. WAS DEVELOPED BY THE CONSERVATION CORP. IN THE EARLY 1930'S. HAS BEEN USED CONTINUOUSLY.

[illegible]

Court Report Filing	-	00/00/0000	Field Inspection Made	-	09/09/1990	Civil Case Number	--	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	09/27/1991	Old Judicial District	-	
Claim Received Date	-	07/22/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	E000846	Federal/State Indicator	-	S
Claims Tape Error Flg	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-		Notice of Error Flag	-	

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DEC 09 1992

Water Right Number - R34-04003

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WALLACE

ERNESTINE

1 - PO BOX 101
2 -
3 -
City- DARLINGTON
Phone - 208-588-3348

State- UT Zip- 80231

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
05/01/1936 15 EASTERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRING SINKS+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index/ (Blank if no Index Code)
07N 25E 14 SW SE (23) BUTTE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.020+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.060 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07N 25E 23 NW NE 04 STOCKWATER (23) BUTTE
07N 25E 23 NW NE 43 DOMESTIC (23) BUTTE

- Diversion Means - CONCRETE SPRING BOX WITH 500 GAL. STORAGE TANK AND PIPELINE.

+ - - Non-Irrigation Use - DOMESTIC 2 HOMES, STOCKWATER 100 SHEEP & 35 CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

MICROFILMED

DEC 09 1992

WATER REPORT NUMBER - R34-04024

SEC. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

FILE (S) NUMBER -

+ - - - - - LAST NAME - - - - - +

+ - FIRST NAME - - +

+ - - - - ACCESS - - - - +

*** C - CURRENT OWNER ***
WALLACE:

PALESTINE

1 - E.C. EPA 101

100

2 -

CITY- CAELINGTON

STATE- IC 212- 03221

FILE - 203-683-1148

+ - - PRIORITY DATE - - +
05/01/1968

+ - - - SECTION - - - +
17. SECTION 14. SECTION

+ - - - STAGE - - - +
- - STATUTORY CLAIM

+ - - - STATE - - - - +

+ - - - - - SUDAN - - - - - +
SUDAN

+ - - - - - TRIULTARY - - - - -
SINKS

INN	ENG	SEC	INSTR	LT	REFS	COUNTY	POINT OF DIVERSION	STREAM	INDEX	CLANK	IF	NO	INDEX	CODE
-----	-----	-----	-------	----	------	--------	--------------------	--------	-------	-------	----	----	-------	------

224 235 1+ 50-55 (23) 1011+

DATE	DESCRIPTION	PERIOD	DIVERSION RATE	DIVERSION VOLUME
12/1/79	...	...	...	...
12/2/79	...	...	...	...
12/3/79	...	...	...	...
12/4/79	...	...	...	...
12/5/79	...	...	...	...
12/6/79	...	...	...	...
12/7/79	...	...	...	...
12/8/79	...	...	...	...
12/9/79	...	...	...	...
12/10/79	...	...	...	...
12/11/79	...	...	...	...
12/12/79	...	...	...	...
12/13/79	...	...	...	...
12/14/79	...	...	...	...
12/15/79	...	...	...	...
12/16/79	...	...	...	...
12/17/79	...	...	...	...
12/18/79	...	...	...	...
12/19/79	...	...	...	...
12/20/79	...	...	...	...
12/21/79	...	...	...	...
12/22/79	...	...	...	...
12/23/79	...	...	...	...
12/24/79	...	...	...	...
12/25/79	...	...	...	...
12/26/79	...	...	...	...
12/27/79	...	...	...	...
12/28/79	...	...	...	...
12/29/79	...	...	...	...
12/30/79	...	...	...	...
12/31/79	...	...	...	...

43 - DOMESTIC	01/01	12/31	0.040
04 - STOCKWATER	01/01	12/31	0.020

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +

TWN	RNG	SEC	TRACT	LOT	AGENCY	PLACE OF CASE	DESCRIPTION	COUNTY
-----	-----	-----	-------	-----	--------	---------------	-------------	--------

07N	25-	23	NW	15	64	STOCKWATER	(23)	BUTTE
07N	25-	23	NW	15	43	CONCRETE	(23)	BUTTE

LIT. ACCT:

+ = DIVERSION MEANS - CONCRETE SPRAIN: 14X WITH 500 GAL. STORAGE TANK AND PIPELINE.

+ - - NON-IRRADIATION USE - 1/2 TSP. 1-2 TIMES 3/100 SPACES, 100 CATTLE.

+ - - OTHER RIGHTS PER SAME USE - 15.

[illegible]

SPECIAL USE PERMIT FROM USES STATES PIPELINE EXTENDS 900 FEET
OUT OF FOREST SERVICE LAND AND IS 36 INCHES IN DIAMETER.
THE CLAIM ORIGINALLY FILED BY PHILLIP DAVIES STATE THE SPRING
WAS DEVELOPED BY THE CONSERVATION CORP. IN THE EARLY 1930'S.
IN 1936 THE SPRING WAS PIPED TO THIS HOME STEAD WHERE IT
WAS USED FOR IRRIGATION CONTINUOUSLY.

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WATER RIGHT NUMBER - A34-04003

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +

NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +

NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +

00/00/0000

+ - - - - COMMENTS - - - - - +

NO COMMENTS FOUND

+ - - AUDIT FIELDS - 07/22/88 CARLSEN

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 07/22/1988
CLAIMS TAPE WORK FLAG -
FEE EXEMPT FLAG -

FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG -
VERIFIED DATE - 03/26/1985
LAST AMENDED DATE - 00/00/0000
RECEIPT NUMBER - E000846
POU OWNERSHIP FLAG - Y
NAME CONNECTOR -

CIVIL CASE NUMBER - 39576
OLD CASE NUMBER -
OLD JUDICIAL DISTRICT -
TEMPORARY RIGHT - P
WATER DISTRICT -
FEDERAL/STATE INDICATOR - S
PRESUMPTION FLAG -

RP 07N25E230298

DATA ENTRY

ENTERED 5/29/91 SW
CHECKED 10-7-91 AS

DATA ENTRY

ENTERED 11-7-91 DMS
CHECKED _____

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB - 1991

CERTIFIED
FEB 1991
WATER EXAMINER MICROFILMED
DEC 09 1992



RECEIVED

JAN 05 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 12/15/92

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range 2
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED WARRANTY DEED

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR: 34-00007B, 34-00008B, 34-00009B, 34-04003

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

ERNESTINE WALLACE

P.O. BOX 101

DARLINGTON, IDAHO 83231

☐ New Owner/Claimant
(Purchaser):

CHARLES ROGLER

☐ New Mailing Address:

P.O. BOX 2928

N. CANTON, OHIO 44720

☒ New Telephone Number:

(216) 494 - 1344

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s)

Charles A. Rogler

Date 12/30/92

Date

☐ Signature of Former
Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

APR 20 1994

Water Right Number - 34-04003 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK JAMES P 1 - HOGUE SPECK AANESTAD
2 - 120 EAST AVENUE
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-4421

*** C - CURRENT OWNER ***
ROGLER CHARLES 1 - PO BOX 2928
2 -
3 -
City- N CANTON State- OH Zip- 44720
Phone - 216-494-1344

*** D - DIR RPT OWNER ***
WALLACE ERNESTINE 1 - PO BOX 101
2 -
3 -
City- DARLINGTON State- ID Zip- 83231
Phone - 208-588-3348

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1936 15 EASTERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING SINKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07N 25E 14 SW SE (23) BUTTE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07N 25E 23 NW NE 04 STOCKWATER (23) BUTTE
07N 25E 23 NW NE 43 DOMESTIC (23) BUTTE

Total Acres:

+ - - Diversion Means - CONCRETE SPRING BOX WITH 500 GAL. STORAGE TANK AND PIPELINE.

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APR 20 1994

Court Report Filing	- 06/18/1992	Field Inspection Made	- 09/09/1990	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	- 07/22/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- E000846	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
APR 20 1994

JANUARY 28, 1993

JAMES P SPECK
HOGUE SPECK AANESTAD
120 EAST AVENUE
KETCHUM ID 83340

RE: CHANGE IN OWNERSHIP FOR 34-00007B, 34-00008B,
34-00009B, AND 34-04003

Dear Mr. Speck:

The Change in Ownership concerning the Notices of Claim in the above reference has been processed, changing the Department's records to show your client, Charles Rogler, as the current owner.

Although IDWR records have been changed, further action is likely to be required to complete the process. The Director's Report (DR) containing recommendations for water rights in the Big Lost River drainage has been filed with the Fifth District Court in Twin Falls. The above claims, as listed in the DR, remain in the former claimant's name. Once a procedure for updating the DR has been adopted by the court, you will be notified of further action required by you.

In the meantime, there is a possibility that an objection to the above Notices may be filed with the court. Since the objection would be sent to the court and previous claimant, it would be advisable to either stay in contact with that individual(s) or contact the District Court in Twin Falls. Objections must be post marked no later than March 1, 1993.

Review the forms and if there are other corrections or questions, feel free to contact this office (525-7161).

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APR 20 1994

James P Speck
Page - 2 -

If there are no questions or corrections, please keep these Notices for your client's records.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Copies of Notices

MICROFILMED

APR 20 1994

DATE: OCTOBER 19, 1993

JAMES P SPECK ATTORNEY
HOGUE SPECK AANESTAD FOR
CHARLES ROGLER
120 E AVE
KETCHUM ID 83340

RE: Snake River Basin Adjudication (SRBA) Notice(s) of
Claim #34-00007B, -00008B, -00009B, -04003
Change in Ownership

Dear Mr Speck:

We have received your Change in Ownership (Form 42-1409(7)) and have changed IDWR records to show your client as the current owner.

Although IDWR records have been changed to reflect your client as the current owner, SRBA Judge Daniel C. Hurlbutt, Jr. issued an Order dated June 17, 1993, requiring claimants identified in a Director's Report to use Standard Form 3 for Change in Ownerships.

I have enclosed Form 3 for your client's convenience. You will need to follow the directions enclosed with the form on how and where to mail the form. If you have any questions, do not hesitate to contact our department (525-7161) or the District Court in Twin Falls (736-3011).

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, ADjudications

GT:jt

Enclosure: Standard Form 3

MICROFILMED
APR 20 1994

Water right
information
contained below

December 8, 1969

Re: Claim to a Water Right No. 34-4003

Phillip J. Davies
Leslie, Idaho 83249

Dear Mr. Davies:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Notice of your claim was published and no one has filed an exception to your claim. Your claim will remain in our files and will be available at any time for your or the courts use.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McBaldoney
Appropriation Examiner

DWM:mjl

Enclosures: Copy of Claim

Receipt No. 3771

34-4003

November 24, 1969

Re: Claim To A Water Right No. 34-4003 - Phillip J. Davies

Arco Advertiser
P. O. Drawer C
Arco, Idaho 83217

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on November 6th, and 13th, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

527-3038

34-4003

October 29, 1969

Re: Claim to a Water Right No. 34-4003 - Phillip J. Davies

Arco Advertiser
P.O. Drawer C
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notices

34-4003

NOTICE OF CLAIM TO A WATER RIGHT

No. 34-4003

Notice is hereby given that Phillip J. Davies, Leslie, Idaho,
 has filed a claim to a water right
established by diversion and application to beneficial use of .10
cubic feet per second ~~gave feet~~ of water from an unnamed spring
 with point of diversion in the NE¹/₄ Sec. 14 of
Sec. 14, T. 7N, R. 25E, B.M., Butte County; the water is
claimed to be used from January 1 to December 31 for domestic
purposes with a priority of May 1, 1936
 ; the place of use is within the NE¹/₄ Sec. 14 of
Sec. 14, T. 7N, R. 25E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Arco Advertiser, Arco, Idaho,
on November 6 and November 13, 1969.

12.

34.4003