

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: A21-07309
Date Received: 2/08/1989
Receipt No: E00 9490
Received By: HLW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SEELEY BROTHERS
Address: C/O ALVIN H. SEELEY
P.O. BOX 654
ASHTON, ID

208-652-3262

83420

2. Date of Priority: DEC 29, 1982

3. Source: WILLOW CREEK

Trib. to: HENRYS FORK SNAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	42E	11	SW	SE			FREMONT

5. Description of diverting works:
DAM & RESERVOIR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			30.00
IRRIGATION FROM STORAGE	04/01	11/01			30.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	42E	11	SE	SW		IRR FS	30.0

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Date: 07/17/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	42E	11	NE	SE		IRR FS	40.0
			NW	SE		IRR FS	40.0
			SW	SE		IRR FS	40.0
			SE	SE		IRR FS	40.0
						Section Acres	190.0
		14	NW	NE		IRR FS	40.0
			NE	NW		IRR FS	40.0
			NW	NW		IRR FS	40.0
			SW	NW		IRR FS	40.0
						Section Acres	160.0
		15	SE	NE		IRR FS	40.0
			NE	SE		IRR FS	30.0
			SE	SE		IRR FS	20.0
						Section Acres	90.0
						Total Acres	440.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
A21-00171, A21-00170, A21-07210

14. Remarks:
THIS IS AN APPLIC. AT THIS POINT IN TIME.

15. Basis of Claim: APPLICATION

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

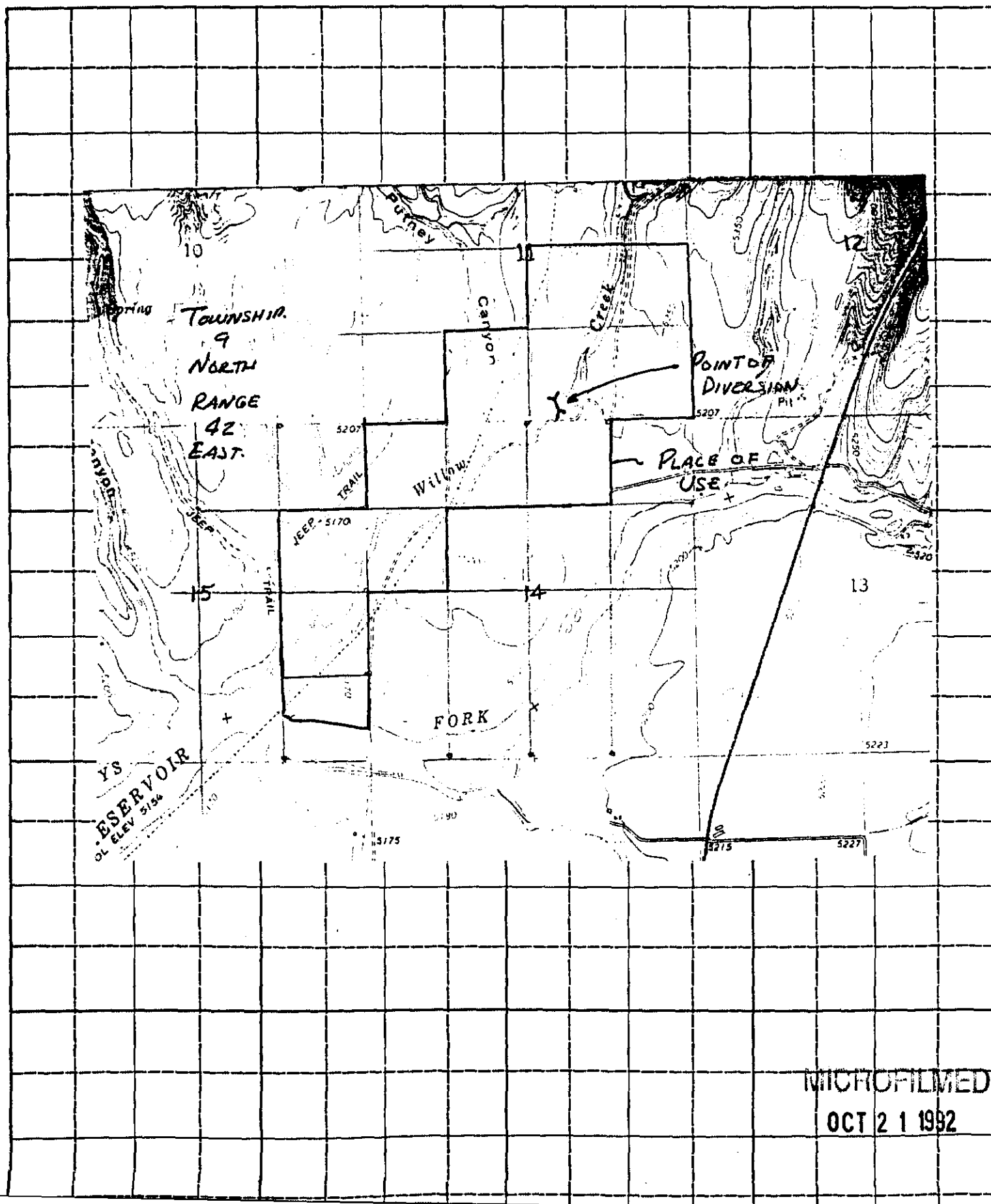
Signature of Claimant(s): Sackey Bros by Alvin H. Sackey Date: July 17, 1989

State of Idaho)
County of Bennett) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of July 19 89 Alvin H. Sackey
Notary Public
Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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Sherman, Sally

To: Dick Seeley
Subject: RE: status of water rights application

Partial decrees were filed September 1, 1999, on water rights 21-10420 and 10421. We have targeted late 2003 for the Director's Report for Irrigation and Other Rights. Seeley Brothers will be receiving our preliminary recommendation on the balance of their rights, just as we sent for their stockwater rights in 1998-99.

Let me know if I can be of further assistance.

...Sally

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

From: Dick Seeley (mailto:cheddar@fremontnet.com)

Sent: Saturday, March 10, 2001 8:26 PM

To: ssherman@idwr.state.id.us

Subject: status of water rights application

Please advise of the status of water rights numbers A21-00170, A21-00171, A21-07210, A21-10420, A21-10421, A21-07309 belonging to Seeley Brothers, c/o Alvin H. Seeley, Box 654, Ashton, Idaho, 83420. Thank you.

21-7309

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101
—
FAX
208-232-6109

June 17, 1992

RECEIVED

JUN 18 1992

Department of Water Resources
Eastern District Office

Mr. Ernest Carlson
Adjudication Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

Re: Seeley Brothers **A21-07309** A21-07210

Dear Ernest:

This will confirm our recent phone conversations and follow up on the inquiries made on behalf of Seeley Brothers of Ashton concerning their right to store their decreed water rights during the irrigation season.

Seeley Brothers, a partnership consisting of Alvin H. ("Dick") Seeley, Arnold Seeley, and Ernest R. Seeley own farmland in Sections 11, 14 and 15 of Township 9 North, Range 42 East, B.M., Fremont County. They own a total of 400 inches of water in Willow Creek, tributary to the North Fork of the Snake at the Utah Power Reservoir, decreed by Order dated 7/21/80 in Fremont Case No. 7178, copy of which is enclosed. Seeley Brothers were decreed all of the water rights in Willow Creek consisting of 275 inches from the 2 branches of Willow Creek (150 inches from East Willow and 125 inches from West Willow Creek) with a priority date of 1893 utilized for flood and sprinkler irrigation, together with 125 inches with a priority date of 1947 used for flood and sprinkler irrigation. I believe IDWR has assigned Water Right No. A-21-00170 and A-21-00171 to these decreed rights.

In 1974 Seeley Brothers built a small pond of approximately 5 acres in size which contains a maximum of 30 acre feet. This pond was filled from the spring runoff in 1975 and is the subject of SRBA Claim No. A21-07309. In 1982 they constructed a larger pond of approximately 10 acres in size holding a maximum of 49 acre feet which is the subject matter of Claim No. A21-07210. These ponds have been continuously maintained full and are utilized as regulation reservoirs in conjunction with the use of their 1893 rights. The ponds are capable of being drained in 24 hours or less. Depending on water conditions, it

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Ernest Carlson
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takes approximately 36 hours to fill the small pond and 72 hours to fill the large pond.

Based upon the above information, the priority date of 12/29/82 reflected on Claim No. A21-07309 should be corrected and changed to 4/1/75, and the priority date of 8/20/80 reflected on Claim No. A21-07210 corrected and changed to 9/1/82. We would request that these priority dates be corrected based upon the above information provided by Seeley Brothers, who indicate that the dates reflected were inserted by IDWR employee Steve McCormick, probably based upon the priority dates reflected on the original permits which were applied for after the diversion and beneficial use began.

Historically, Seeley Brothers have rented supplemental irrigation water from Fremont-Madison Irrigation District. For the first time this year, no supplemental water is available due to the persisting drought. Accordingly, the Seeleys are concerned that questions could be raised concerning their claimed right to maintain and utilize their ponds for regulation and irrigation purposes.

I have advised the Seeleys that if their ponds were filled after the irrigation season commences from their 1893 decreed rights in Willow Creek, they could continue to be maintained and utilized for regulation and irrigation purposes during the irrigation season, so long as water was available under their 1893 rights. You concurred with our position in this regard. Would you please confirm IDWR's position in this regard and advise of any other restrictions or limitations Seeley Brothers should be aware of.

Thank you for your assistance. If you have any questions or desire additional information, please do not hesitate to contact me.

Sincerely,



RANDALL C. BUDGE *RR*

RCB:rr

cc: Dick Seeley
Arnold Seeley

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