

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: A25-07076
Date Received: 2/07/1989
Receipt No: E005207
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM MERCER 208-754-4341
Address: 692 N. 3500 E.
MENAN, ID 83434

2. Date of Priority: OCT 28, 1975

3. Source: SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	38E	33	NW	NW			JEFFERSON

5. Description of diverting works:

WELL AND PUMP /DE/2-7-91/80

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.560		100.80

7. Total Quantity Appropriated is:
0.560 C.F.S. (and/or) 100.80 A.F.A.

8. Total consumptive use is 100.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	38E	33	NW	NW		IRR	28.0

Section Acres 28.0

Total Acres 28.0

A25-07076

Page 1

Date: 02/07/89

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11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

LONG ISLAND CANAL CO.

14. Remarks:

2 P/D IN NWNW, S33, T5N, R38E.

THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE
THAN 0.02 CFS/AC NOR MORE THAN 3.5 AFA/AC FOR THE LANDS ABOVE.

15. Basis of Claim: LICENSE

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: 39576

Ident. Number

A25-07076

Date Received

11/30/88 *postmarked*

Receipt Number

~~E005207~~
E005207

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 1 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) William Mercer Phone (208) 754-4341Mailing Address 692 N. 3500 E. Menan, ID Zip 834342. Date of Priority (Only one (1) per claim) October 28, 19753. Source of water supply (a) Spring Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 5 N Range 38 E Section 33,
NW 1/4 of NW 1/4 of 1/4, Govt. Lot, 1 B.M., County of Jefferson

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 5 N Range 38 E Section 33, NW 1/4 of NW 1/4 of 1/4,Govt. Lot 1 B.M., County of Jeffersonending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to November amount 0.56 or 100.8 annual volume

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.56 (cfs) and/or (b) 100.8 annual volume (acre feet)

8. Total consumptive use claimed is 100.8 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	38E	33						28											28

Total number of acres irrigated 28

11. In which county (ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes xx No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
10" Long Island water or None ()

14. Remarks:

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Last Name Mercer Ident No. _____

Copies: White -State, Yellow-Claimant

Enlarged area shown
at 2 inches = $\frac{1}{4}$ mile

Point of diversion

Section 33, T 5N, Range 38 E

Beginning point of Spring Creek

Place of use

Point of diversion

Residence

Drain

Irrigation Ditch

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MICROFILM

NOV 10 1992

Last Name MERCER

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) William Mercer Date 11-30-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or ID)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 30th day of November 19 88

SEAL

Notary Public Sharon F. Wetherill

Residing at Idaho

My Commission Expires 04-28-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf 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 me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 10 1992

Last Name Mercer Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim 25-07076

Spatial Dynamics CAT

12/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n38e	33	NWNW	28	26	POD placement?
Totals:			28	26	

 SPATIAL
DYNAMICS

AJ5809NP
No. A25-07076

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 88

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM MERCER 692 N 3500 E MENAN ID 83434 (208) 754-4341	10/28/1975	IRRIGATION	04-01 11-01	0.560 CFS	100.80 AFA
TOTAL DIVERSION:					0.560 CFS	100.80 AFA
CONSUMPTIVE USE:						100.80 AFA

Water Source: SPRING CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05N R38E S33

NWNW

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM				

05N 38E 33 :								28																:	28.0
																				TOTAL ACRES	:	28.0			

POU County: JEFFERSON

Other Rights: LONG ISLAND CANAL CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

25-10787 25-11364 25-11910 25-12173 25-13826 A25-10787 A25-11364 A25-11910 A25-12094

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00109G A01-00110E A01-00111E A01-00112E A01-00113E A01-00114C A01-00115S A01-00317

Remarks: GEN 2 P/D IN NWNW, S33, T5N, R38E.

THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE
THAN 0.02 CFS/AC NOR MORE THAN 3.5 AFA/AC FOR THE LANDS ABOVE.

Dates: Exam Made Date:

Verified Date:

02/13/1991

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:

Presumption Flag:

Audit: 02/07/89 OLENICHA 02/07/91 THOMPSON 02/13/91 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. Priority October 28, 1975 Amount 0.56 cfs

THIS IS TO CERTIFY, that William Mercer
of Menan, Idaho, has complied with the terms and conditions of Permit
No. 25-7076 issued pursuant to Application for Permit dated October 24, 1975,
and has submitted proof to the Department of Water Resources on March 5, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.11 cfs of water from Spring Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.56</u> cfs and	<u>100.8</u> acre feet
	from <u> </u> to <u> </u>	at <u> </u> cfs and	<u> </u>
	from <u> </u> to <u> </u>	at <u> </u> cfs and	<u> </u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.56 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
100.8 acre feet per year, said waters to be diverted within the (2 points) NW 1/4 NW 1/4, Section
33, Twp. 5N, Rge. 38E in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	38E	33					28												28

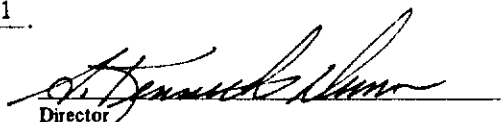
Total number of acres irrigated 28

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 for the lands above.
Use of water under this license is subject to control by the watermaster of State
Water District No. 01, Upper Snake River.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
October, 19 81.


Director

25 7076

Identification No. _____

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant WILLIAM MERCER Phone: 754-4341
post office address RT. 1 Box 70, Menan Idaho
2. Source of water supply Spring Creek which is a tributary of Snake River
3. a. Location of point of diversion is 2 points NW 1/4 of NW 1/4 of Section 33 Township 5N
Range 38 E B.M. Jefferson County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.56 for Irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.56 cubic feet per second ~~and/or~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump and Ditches

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 1500.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5n	38E	33					28												28

Total number of acres to be irrigated 28

c. Describe any other water rights used for the same purposes as described above. Canal Company
Shares

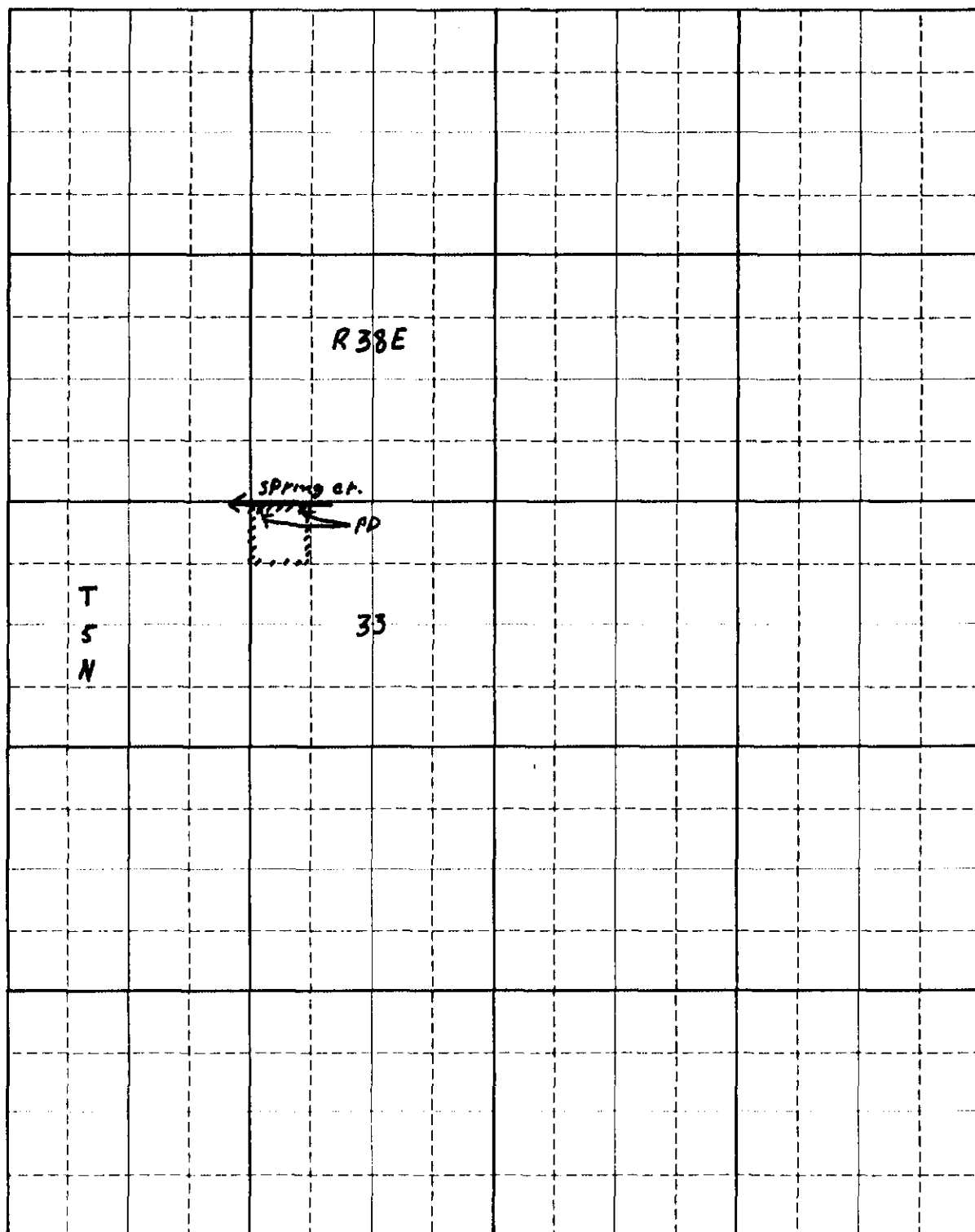
9. a. Who owns the property at the point of diversion Charles Hunting

b. Who owns the land to be irrigated or place of use Charles Hunting

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant plans to purchase the property

10. Remarks

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William Mercer
(Applicant)

Received by SA Date 10-24-75 Time 5:00 p
Preliminary check by SA Fee \$ 25.00
Received by SA Date 10-24-75 # 15460
Publication prepared by SA Date 10-27-75
Published in Aspen Star
Publication dates Nov 6 & 13, 1975 Dec 26 + Jan 2
Publication approved True Date 1-22-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EPC DM

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 25-7076, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1981.

c. Other: 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

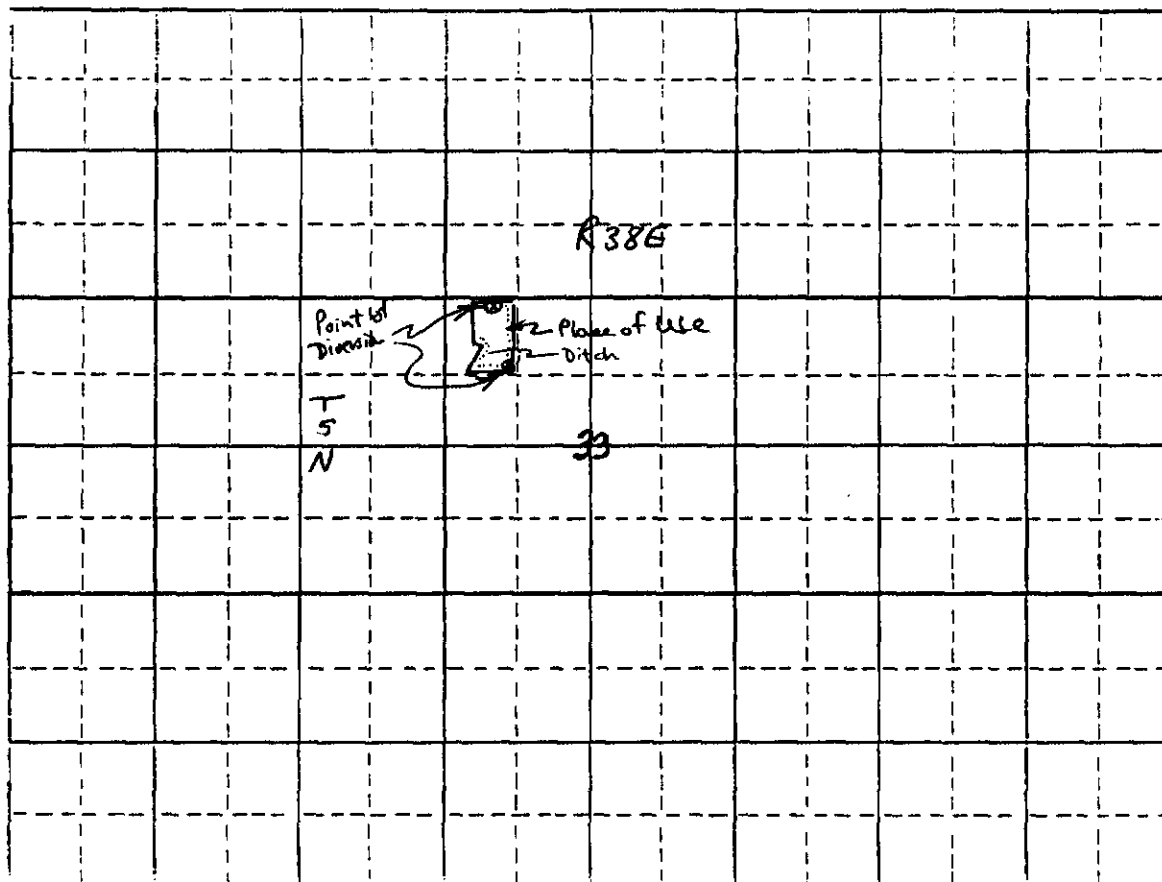
2. No more water may be diverted under this permit, when combined with other rights appurtenant to the lands in question, than one miner's inch for each acre of land served.

3. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 26 day of March 1976.

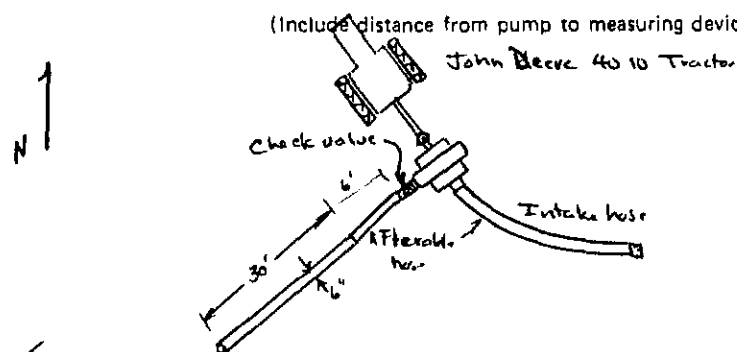
[Signature]
Director

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW 1/4 of NW 1/4 Sec 33 T5N R38E (2pts)

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	38E	33							28.8										28.8

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature

Checked by

Approved by

Date

Date

Date

Allow 28.8
acres as
per permit

28

8-6-81
10/5/81

LJ- 200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 6-24, 1981 DISCHARGE MEASUREMENT NOTES

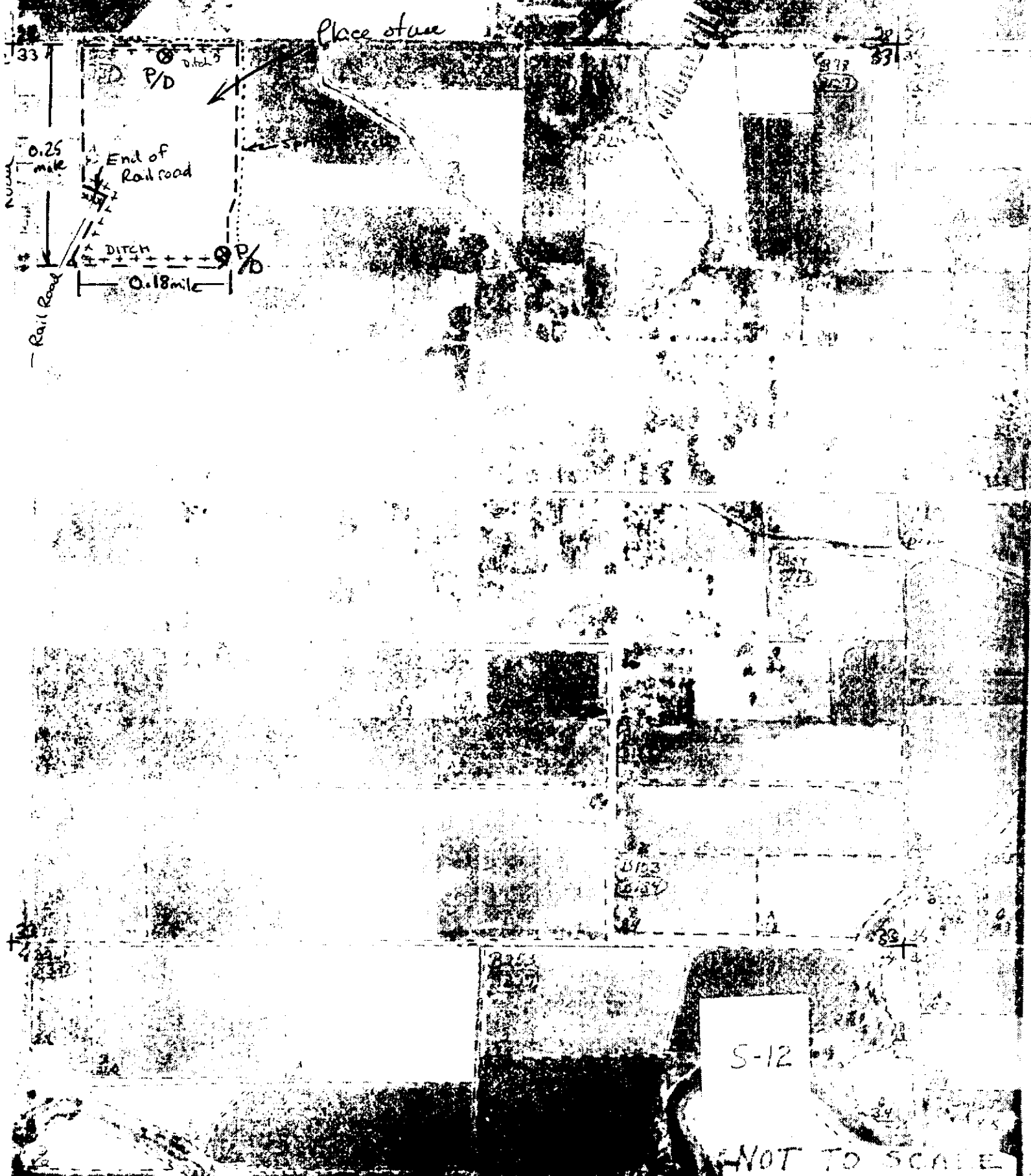
Permit# 25-7076 ~~revoked~~ William Mercein

[illegible]

3.11 cfs

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

MICROFILMED



3-17-1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME WILLIAM MOKER CLAIM ID NO. A25-07076

DATE RECEIVED 11/30/88 CK # AMOUNT \$

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 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) | ☒ | ☐ |
| 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? | ☒ | ☐ |
| Is the consumptive use correct? | ☒ | ☒ |
| 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. | ☒ | ☐ |
| 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.) | ☒ | ☐ |
| 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? | ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: TO

Comments: ITEM # 5 : ENTER DITCH FOR DIVERSION. ITEM # 8 : CONSUMPTIVE USE WRONG

CLAIM WAS RECEIVED ON DEC 1, 1988 BUT WAS AMONG OTHERS RECEIVED ON THIS DATE, BUT MAILED ON 11/30/88 - NO ENVELOPE ATTACHED- ASSUME POSTMARKED 11/30/88

5207

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NOV 10 1992