

07/26/2006

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

RIGHT NUMBER: 47-4117

NAME AND ADDRESS: DOUG YTURBE
4302 N 1325 E
BUHL ID 83316

VALERIE L YTURBE
4302 N 1325 E
BUHL ID 83316

VERIFIED BY *KKC*

SOURCE: UNNAMED STREAM

TRIBUTARY: CLEAR CREEK

QUANTITY: 0.080 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 47-4117 and 47-17349.

PRIORITY DATE: 05/12/1929

POINT OF DIVERSION:

T09S R14E S27 NESENE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.060 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T09S R14E S27 NENE 2.10

STOCKWATER Within TWIN FALLS County

T09S R14E S27 NENE

2.1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 8.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 47-4117, 47-17359, and 47-17349.

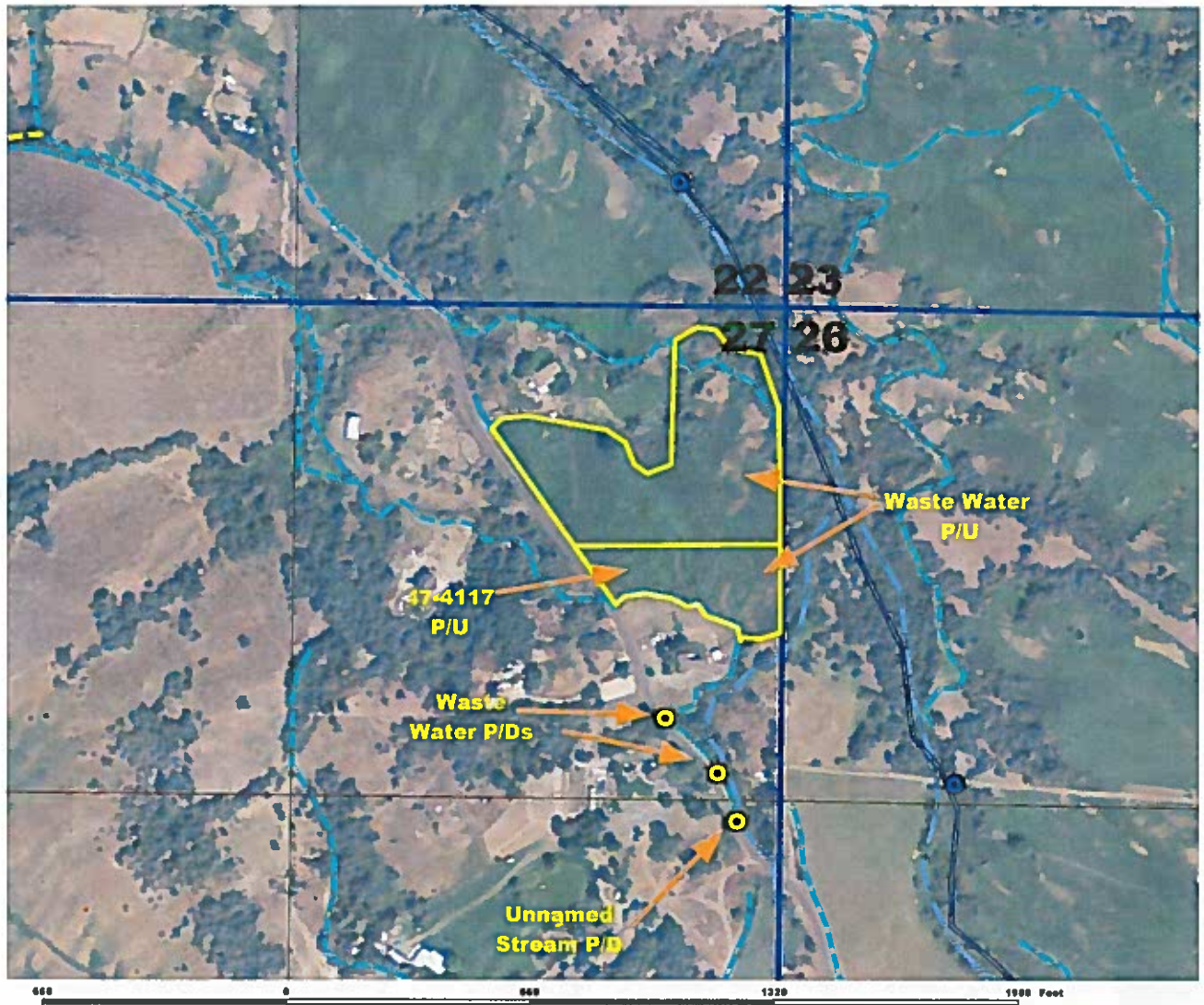
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Stockwater use is for 15 range cattle or horses.

RECOMMENDED PLACE OF USE FOR 47-4117



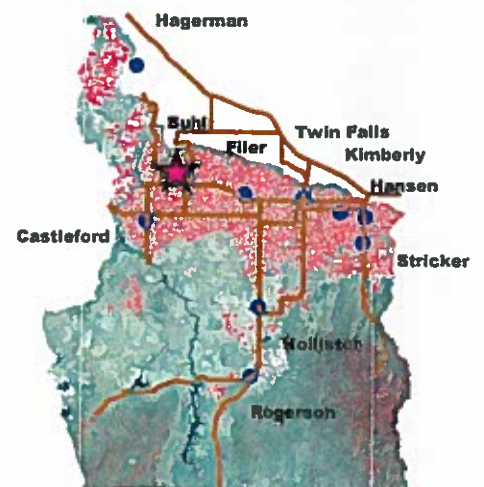
PLACE OF USE
TWP 9S, RNG 14E, SEC 27
Data entry on July 26, 2006

-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  TOWNSHIP LINES
-  SECTION LINES
-  QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



Idaho Dept of Water Resources
Claims review notes and narrative

Date: 7-21-2006

File: Hiatt yturbe zinn graesch recommendation

Prepared by Kelly K Christensen

The following claims share a common point of diversion and delivery system and all available evidence indicates that all the property was developed by one individual as a single system. Therefore, I am recommending them all with the same priority date (assuming that the ones with a 1939 claimed priority date amend their claims to 1929.

<u>Claims</u>	<u>Claimant</u>	<u>priority date</u>	<u>Claimed sources</u>
47-4104	Graesch/Yatzeck	3-15-1929	Waste water - Spring
47-17361	Kay Hiatt Trust	5-21-1929	Waste water - Spring
47-17362	Bassett/Ducey	5-21-1929	Waste water - Spring
47-17360	Zinn	2-21-1939	Unnamed Stream
47-4117	Yturbe	1-1-1939	Unnamed Stream
47-17359	Yturbe	2-21-1939	Unnamed Stream
47-17349	Yturbe	3-15-1929	Waste water

Source analysis:

Spring: There is a seep area to the south of the point of diversion that may be considered a spring, however, the point of diversion is located downstream from any spring source. I am recognizing this source as unnamed stream for each claim.

Waste Water: Waste water enters the delivery ditch at two different locations near the Yturbe farmstead. The water comes from ground west of the Carter Pack road primarily associated with adjudication claim 47-4241. The claimed priority date for this right is 3-15-1929. If evidence of priority substantiates this priority date then I will recognize this as a secondary source under the common system.

2004 aerial photo

File No.

A47-04117 = 4119

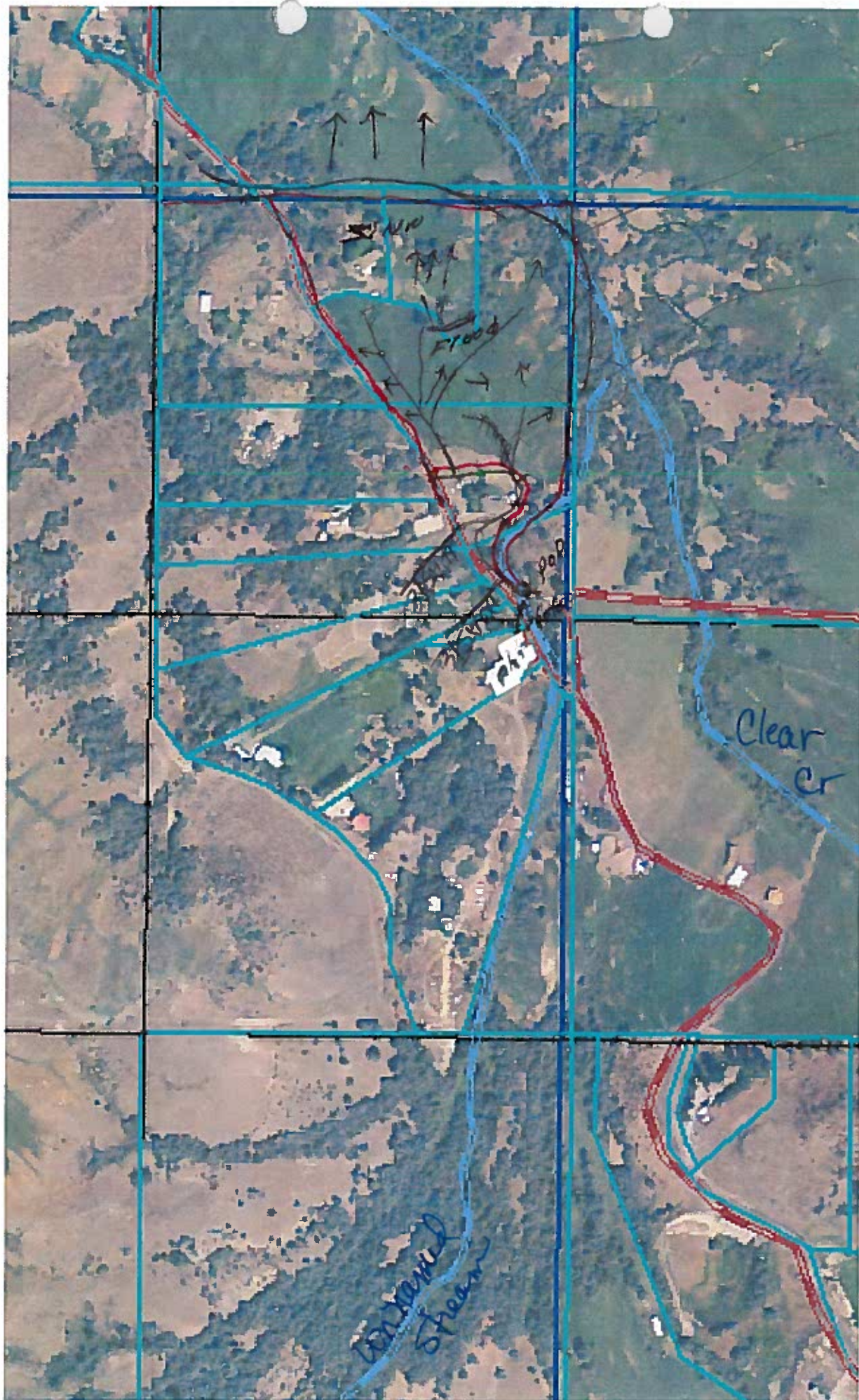
Doug & Valerie L Yturbe
4302 Carter Pack Rd
Buhl,

6/6/06

I met Valerie and Doug this morning at their home to discuss these files , first I ask them if the two parcels north of their property was sold to Jerry Zinn and the said yes Zinn owns both and they thought that he had taken care of the transfer, Doug told me he would Call Zinn and let him know that he should go into IDWR and get this taken care of. Doug drew on the photo where the POD is for water on both parcel as well as where his ditches are located, he told me that Zinn property has a POD out of the creek and uses waste water from his POD to irrigate the two small Zinn lots and also the property North of Zinns but Doug said he did not know the exact location of the Zinn POD but he thought is was close to the area marked on photo. Doug told me that he has no CC water.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Unnamed stream	Doug 1	2435040	1269006	A0015559	1030315

Lee R. Peterson



live from a
waste from
Dov9

N
pod some
where - Dov9
not sure
what is

Clear
cr

Wentland
Stream

Flood

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 47-4117
Date Received: 1/9/1989
Receipt No: S005758
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DOUG YTURBE Phone: (208)543-4868
VALERIE L YTURBE Phone: (208)543-4868
4302 N 1325 E
BUHL ID USA 83316

Amended
[Signature]

2. Date of Priority: 01/01/1929

3. Source: UNNAMED STREAM Trib. to: CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	14E	27	SE NE NE	TWIN FALLS	

5. Description of diverting works:

EARTHEN DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.16	
STOCKWATER	1/01	12/31	0.08	

7. Total Quantity Appropriated is:
0.16 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
09S	14E	27	NE NE	STOCKWATER	
			NE NE	IRRIGATION	4.5
				Section Acres	4.5
				Total Acres	4.5

11. Place of use in counties: TWIN FALLS

COPY

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

13. Other Water Rights Used:

14. Remarks:

claim amended to reflect a 1929 priority date on 7-21-2006

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

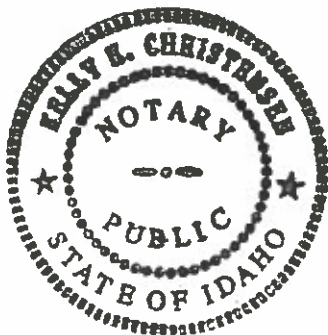
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Daniel H. [Signature]* Date: 7-21-06
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day of July 2006
Kelly K. Christensen
Notary Public

Residing at _____ Twin Falls, ID
My commission Expires 4-2-2010



COPY

RECEIVED
APR 09 2004
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s):

Doug & Valerie Yturbe

[] Old Mailing Address:

4302 CARTER PARK RD
BUHL, ID 83316

[] New Mailing Address:

4302 NORTH 1325 EAST
BUHL, ID 83316

Telephone Number:

(208) 543 - 4868

[]

Signature(s)

(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)



(include your title if on behalf of company or organization)

Date:

4/9/04

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

47-4119
4117

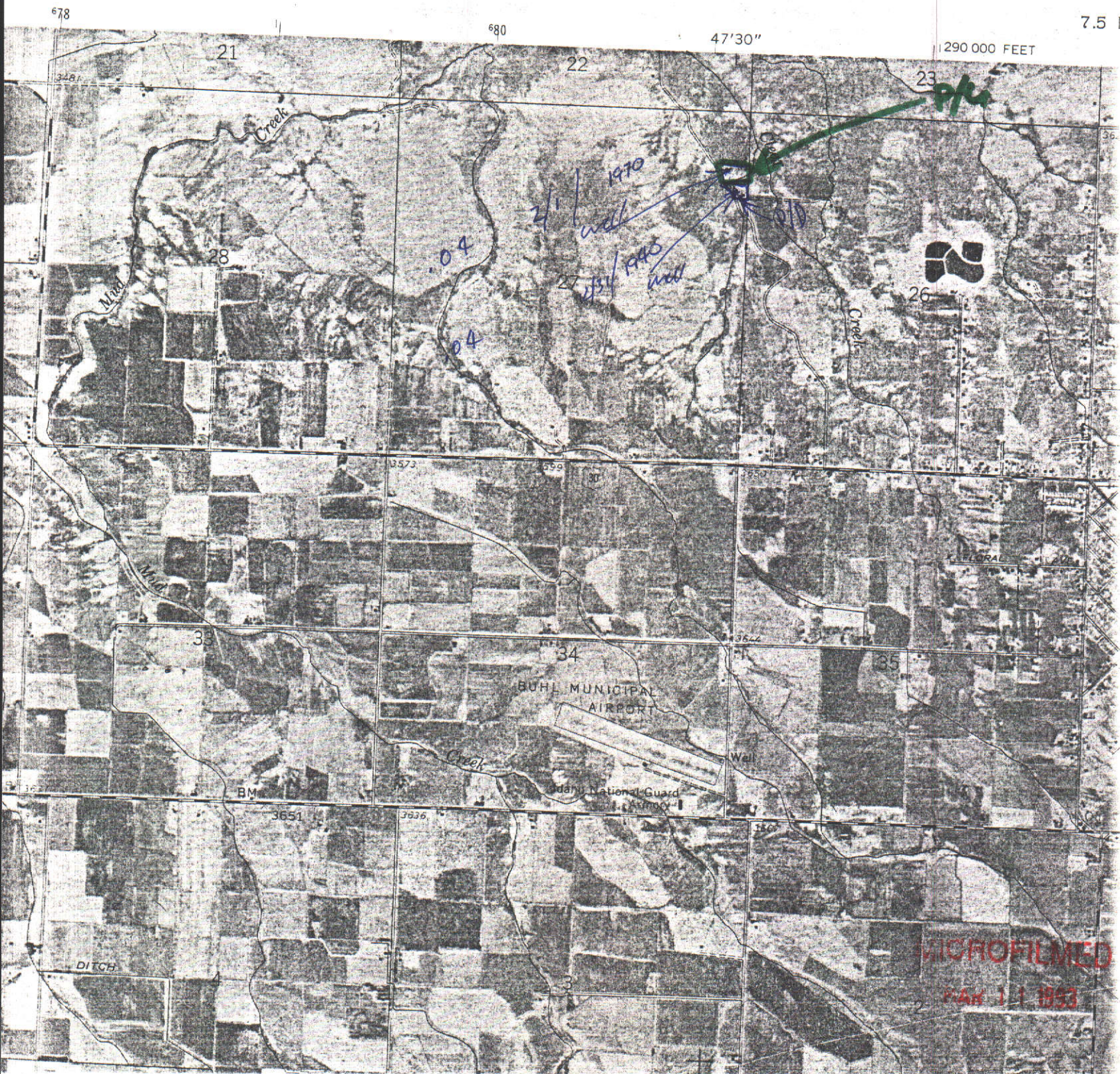
A47-04117

A47-A118

A47-14119

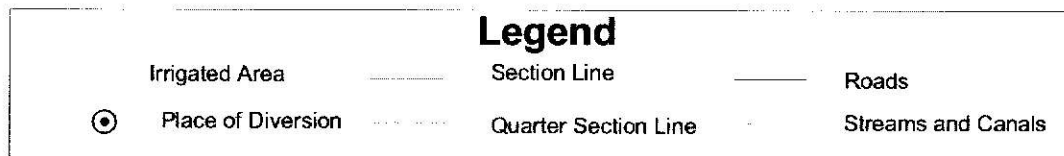
T95 , R 14E

4
IN



Water Right Claim Number 47-04117
Township , 9S14E

02/20/2001



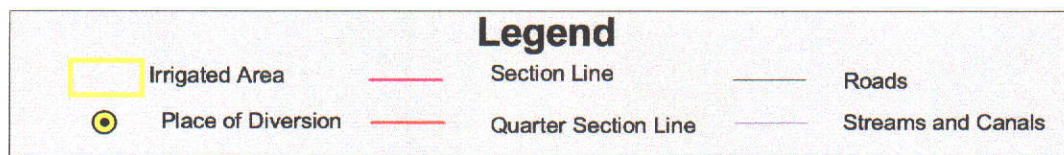
400 0 400 800 Feet



SPATIAL
DYNAMICS

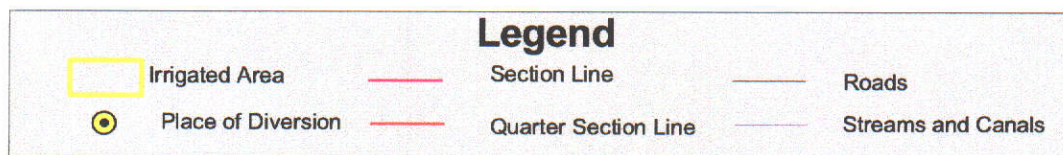
Water Right Claim Number 47-04117
Township , 9S14E

02/20/2001



Water Right Claim Number 47-04117
Township , 9S14E

02/20/2001



400 0 400 800 Feet



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: A47-04117
Date Received: 1/09/1989
Receipt No: 5005758
Received By: ADL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VALERIE LYON YTURBE 4868
Address: ROUTE 3 208-543-5868
BUHL, ID 83316
AND/OR
Name: DOUG YTURBE 4868
Address: ROUTE 3 208-543-5868
BUHL, ID 83316
2. Date of Priority: JAN 01, 1939
3. Source: UNNAMED STREAM Trib. to: CLEAR CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 09S | 14E | 27 | SE | NE | NE | | TWIN FALLS |
5. Description of diverting works:
EARTHEN DAM AND DITCH
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.160 | | |
| STOCKWATER | 01/01 | 12/31 | 0.080 | | |
7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 13.5 Acre Feet Per Annum.
9. Non-irrigation uses:
S/15 RANGE &/OR HORSES

A47-04117

Page 1

Date: 01/09/89

MICROFILMED
MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	27	NE	NE		IRR	4.5
			NE	NE		STOCK	

Section Acres 4.5

Total Acres 4.5

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 _____ 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): Doug Yturbide Date: 1-9-89
Salvador Yturbide Date: 1-9-89

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Jan 19 89
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/99

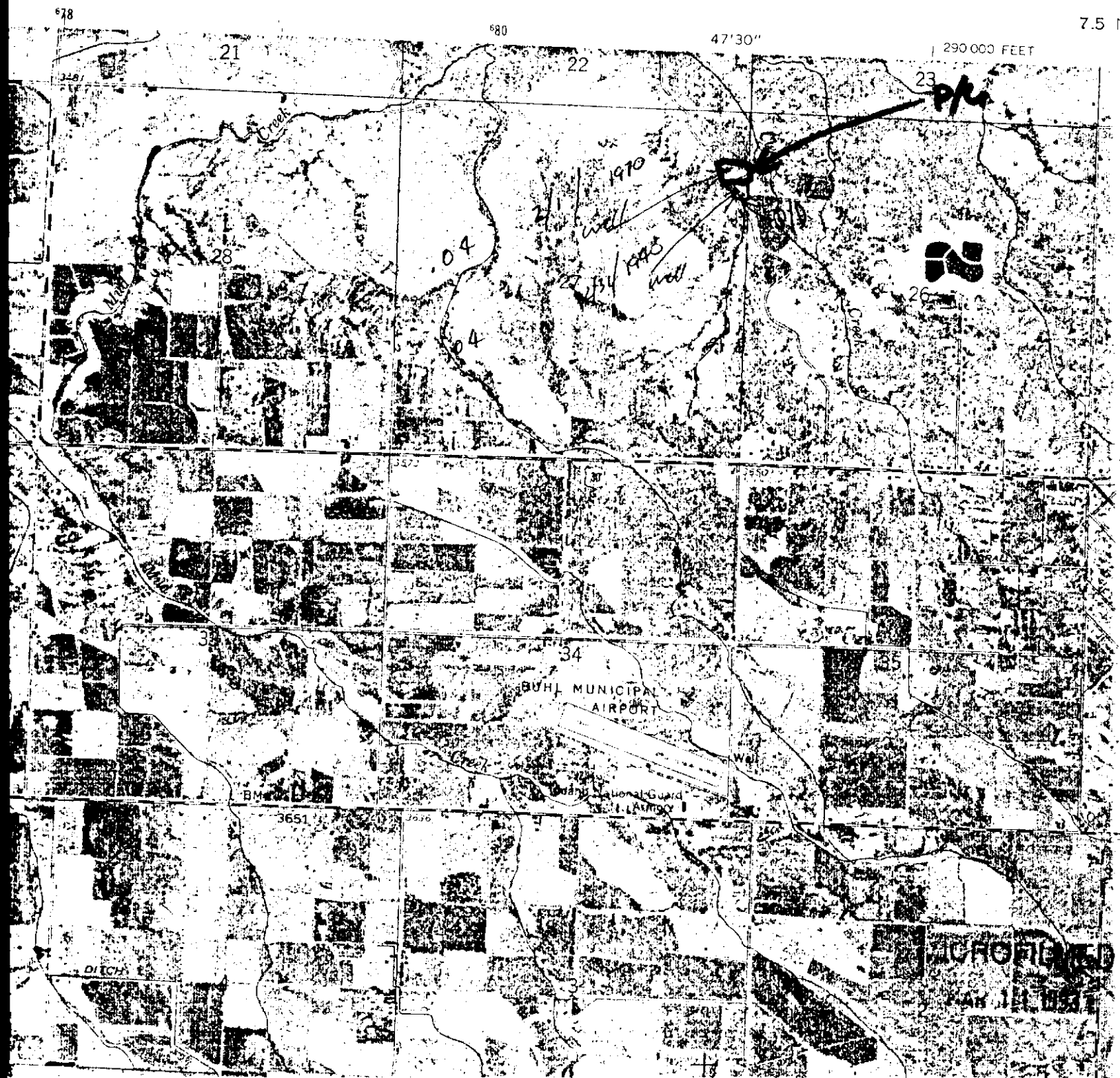
A47-04117

A47-14118

A47-14119

T95 , R 14E

4
IN



RECEIVED

FEB 24 1995

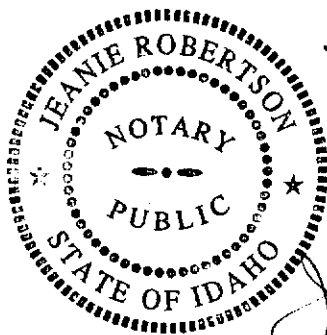
Department of Water Resources
Southern Region

Date: 2/24/95

Evidence of Priority

I, Helen (Durnal) Lyon came to the Buhl area in the summer of 1939 with my parents. We went to the T.E. Lyon family residence in search of possible real estate. Where my parents and I walked the land and witnessed the irrigation of the particular land descriptions: (A47-04117)

(A47-04119)



Subscribed & sworn to me
this 24th day of Feb. 1995

Signature: Helen Lyon

Date: 2/24/95

Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.
My Commission Expires 9-23-2000

MICROFILMED
NOV 29 1996



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83401 (208) 736-3033

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04117
VALERIE LYON YTURBE
DOUG YTURBE
ROUTE 3
BUHL

ID 83316

RE: Evidence of Priority

* RESPONSE DEADLINE *

* MARCH 15, 1995 *

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, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not 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 recommended 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.

Please find enclosed 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.

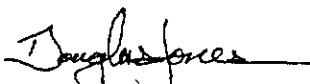
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED
NOV 29 1996

Log for claim 47-04117

Spatial Dynamics BTD

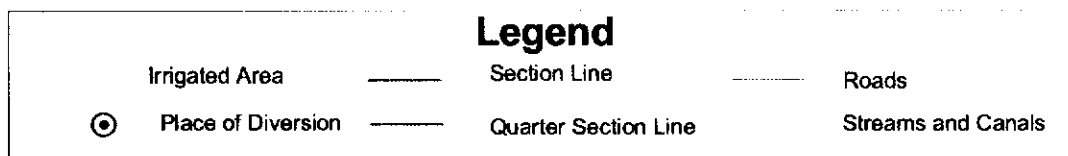
2/20/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s14e	27	NENE	4.5	3.5	
Totals:			4.5	3.5	

 SPATIAL
DYNAMICS

Water Right Claim Number 47-04117
Township , 9S14E

02/20/2001

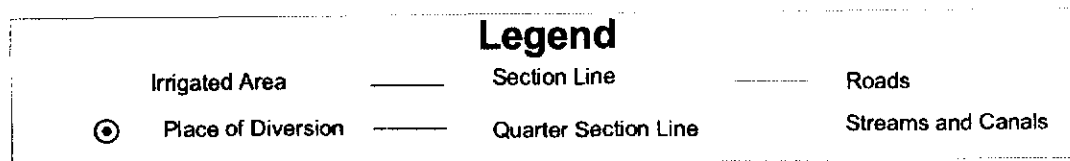


400 0 400 800 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-04117
Township , 9S14E

02/20/2001



SPATIAL
DYNAMICS

Water Right Claim Number 47-04117
Township , 9S14E

02/20/2001



Legend		
Irrigated Area	_____	Section Line
⊙ Place of Diversion	_____	Quarter Section Line
		Roads
		Streams and Canals



400 0 400 800 Feet

A horizontal scale bar with four segments. The first segment is labeled '400', the second '0', the third '400', and the fourth '800'. The unit 'Feet' is at the end of the bar.

SPATIAL
DYNAMICS

AJ5809NP
No. A47-04117

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 95

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VALERIE LYON YTURBE	01/01/1939	IRRIGATION	03-15 11-15	0.160 CFS	
C	DOUG YTURBE ROUTE 3 BUHL ID 83316 (208) 543-4868		STOCKWATER	01-01 12-31	0.080 CFS	
TOTAL DIVERSION:					0.160 CFS	
CONSUMPTIVE USE:						13.50 AFA

Water Source: UNNAMED STREAM

Tributary to: CLEAR CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R14E S27

SENE

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	14E	27	:	04																4.5
TOTAL ACRES																				4.5

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	14E	27	:	S																

POU County: TWIN FALLS

Non-Irrigation Uses: S/15 RANGE &/OR HORSES

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
47-11846 47-14118 47-14119 A47-04119 A47-11846 A47-14118 A47-14119 R47-04119

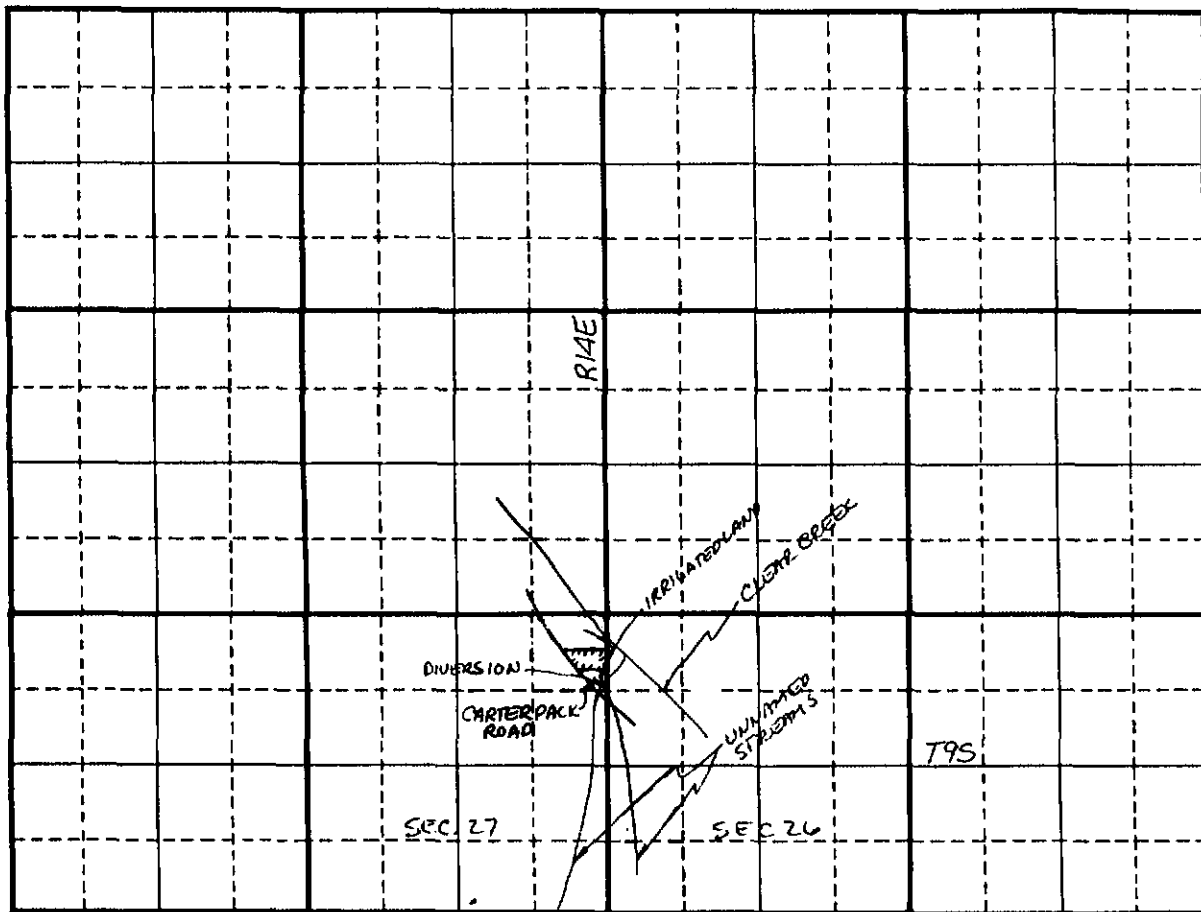
Other Water Rights Listing Overlapping Place(s) of Use:
A47-04059 A47-04119 A47-04136 R47-04119

Dates: Exam Made Date: Verified Date: 03/07/1986 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/09/89 MERRITT 03/30/95 POST-STD

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 26 day of May

(Claimant)

19 79

Linda S. Wolford

Notary Public

Residing at Buhl, Idaho

My commission expires June 16, 1982

FOR DEPARTMENT USE ONLY

Received by *mmmp*

Date 6-21-79

Exception filed by:

Forwarded to

Date

Prelim. check by *mmmp*

Date 6-21-79

claimant by:

\$20.00 fee received by *mmmp*

Date 6-21-79 #1342

Published in

Dates