

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: A73-00048
Date Received: ~~4/20/1990~~ 5/1/90
Receipt No: MO064809
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON M. O'NEAL 208-876-4249
Address: HC 62, BOX 2230
MAY, ID 83253
OR
Name: VIOLA M. O'NEAL 208-876-4249
Address: HC 62, BOX 2230
MAY, ID 83253



2. Date of Priority: APR 01, 1882

3. Source: FALLS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	22E	1		NE	SE		LEMHI

5. Description of diverting works:
EARTH DIVERSION, DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/10	11/01	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	22E	8	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	40.0
			NE	SE		IRR	20.0
			Section Acres				160.0
		9	SW	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			Section Acres				160.0
			Total Acres				320.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A73-00050, -00052, -02150

14. Remarks: Point of diversion may actually be located in the SE⁴ of the SW⁴.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

J.B. MORROW

Decree Plaintiff

vs

JOSEPH WAGONER

Decree 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 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): Don M. O'Neal Date: 4-20-90

Date: _____

State of Idaho)
County of ADA) SS.

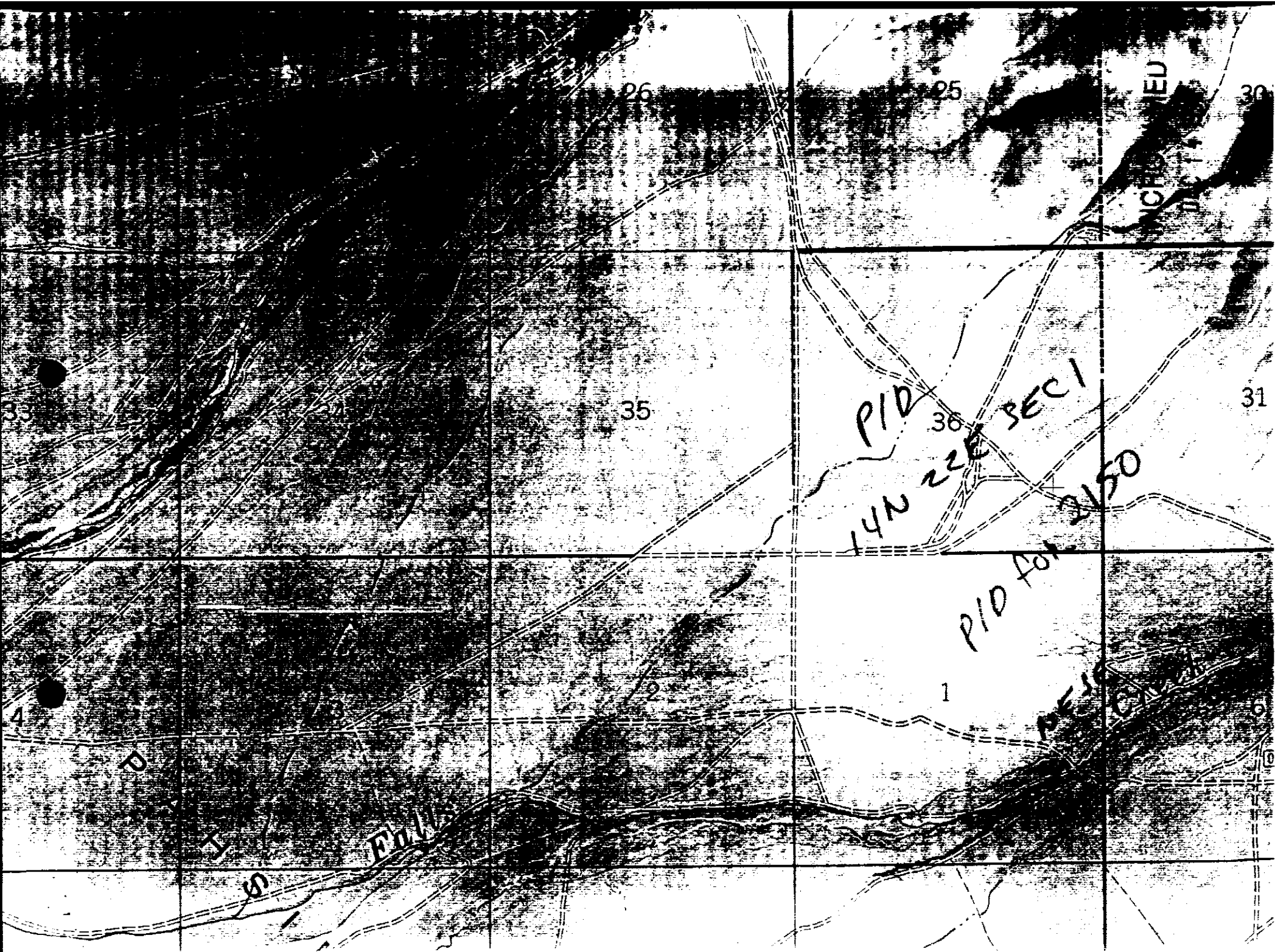
Subscribed and sworn (or affirmed) before me this 20th day
of APRIL 19 90

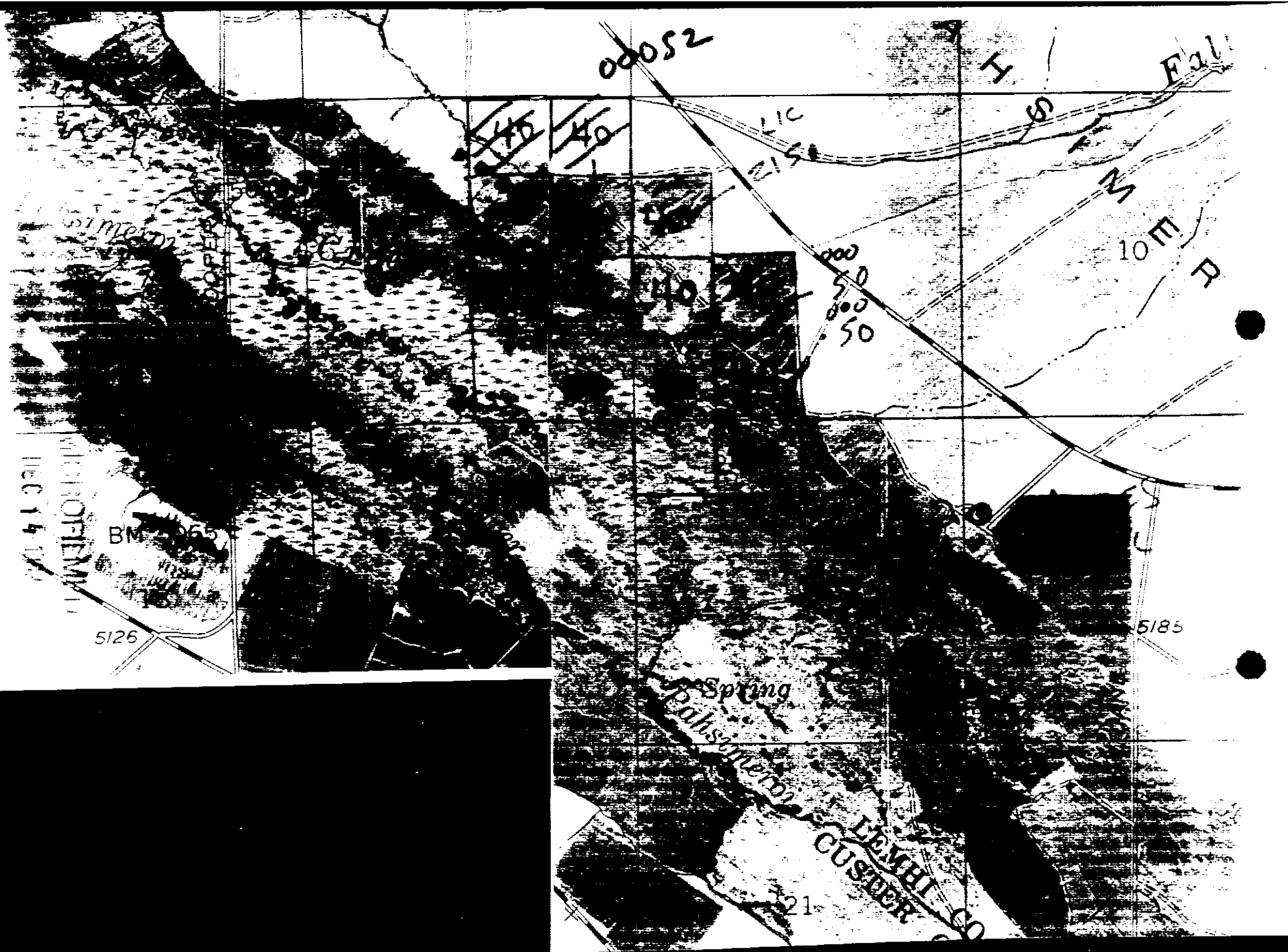
Ron Howerton
Notary Public

Seal

Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994







State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 30, 1992

Dear Wateruser:

This letter summarizes the meeting which took place on June 24, 1992 at Falls Creek in the Pahsimaroi River Valley. At issue were measuring devices and installation of headgates.

Present were: Members of the Oneal, Madsen, White and Zeigler families.

Howard Cutler for the Spring Creek Grazing Association.

Rose Johnson, Watermaster for Water District 73.

Dennis Dunn, IDWR Eastern Regional Office.

George Austiguy, IDWR State Office.

Points of diversions and measuring sites were visited. Improvements and modifications of measuring devices were discussed at each of the measuring sites visited.

It was decided and agreed to by all parties present that due to the difficulty and expense of installing an adequate control structure, the stability of the Falls Creek flows after high water, and the lack of a conflict over control of the flows that a permanent, lockable control structure would not be necessary.

Of particular concern was the location of the measuring sites for the senior water rights on Falls Creek, 73-00048 and 73-00049. The decree for Falls Creek explicitly identifies measuring sites for these rights.

73-00048: "Woods Livestock Company, a corporation from Falls Creek 160 inches or 3 1/5 cfs to be measured at the headgate near the junction of the old Sherman Ditch and the New Woods-Oneal Ditch on the north side of Falls Creek..."

73-00049: Edward Oneal from Falls Creek 160 inches or 3 1/5 cfs to be measured on the south bank of Falls Creek about four miles in a northeasterly direction from the residence of Edward Oneal..."

Water right 73-00049 is currently owned by the Madsen family, the existing measuring site is approximately 3.5 miles from Edward Oneal residence. Remnants of an old control structure

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and measuring device were found near the present location. The current measuring site for this water right is in compliance with the measuring location identified in the decree.

Water right 73-00048 is currently owned by the Oneal family. The government plat of Township 14N Range 22E surveyed in 1892 shows a Sherman Ditch and an Oneal Ditch junction in the SE 1/4 of section 1. An old submersible orifice structure built around 1921 exists at this location indicating that water was diverted at the location. The existing measuring site for 73-00048 is in close proximity to the location identified in the Decree, and therefore is in compliance with said decree.

Many old submersible orifice structures exist in the Falls Creek drainage and in other parts of the Pahsimeroi River valley. Based on old records I estimate they were installed in 1921. Some of the structures are located in ditches which are in use today, others are in ditches which appear to have seen no use for many years. Their locations correspond to the points of diversions in the Decree. An old engineering report (1919) on the Pahsimeroi River valley estimates bed losses of 47% in the Falls Creek channel. The current Oneal/Madsen ditch parallels the creek channel for much of the distance between the present point of diversion and the old points of diversion. The evidence suggests that due to high bed losses the natural channel was abandon in favor of the current Oneal/Madsen ditch. This change in the point of diversion has benefitted all of the water users on Falls Creek by reducing the quantity of water lost between the mouth of the canyon and the original diversion points for the Oneal/Madsen water rights.

In summary, the senior water rights on Falls creek will continue to be measured at their present location which are close to those identified in the Decree. Accurate measuring devices will be installed at the identified measuring sites. No lockable control gates will presently be required on diversions from Falls Creek.

If you still have questions about this decision please feel free to contact me.

Sincerely,



George Austiguy EIT
Water Management Division

cc: Adjudication Files: A73-00048, A73-00049
Water District 73 File

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LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated