

03/01/2004

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

RIGHT NUMBER: 23-4020

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/28/1958

POINT OF DIVERSION:
T01S R45E S29 SWNE NE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	05/01 10/31	0.020 CFS

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T01S R45E S29 SENE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

01/29/2004

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

RIGHT NUMBER: 23-4020 **DISALLOWED**

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.000 CFS

PRIORITY DATE: 06/01/1957

POINT OF DIVERSION:
T01S R45E S29 SWNE NE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
DOMESTIC 05/01 10/31

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T01S R45E S29 SENE

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

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: Beneficial Use

**NO RESPONSE TO REQUEST FOR PRIORITY EVIDENCE AND AMENDMENT
ADDING 2.0 ACRES IRRIGATION.**

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 23-4020
Date Received: 3/25/1993
Receipt No: X999999
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (208)387-0835
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID USA 83724

2. Date of Priority: 06/01/1957

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	45E	29	SE NE	BONNEVILLE	

5. Description of diverting works:
Headbox

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.
IRRIGATION	04/15	10/31	0.02
DOMESTIC	05/01	10/31	0.02

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 2

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use
01S	45E	29	SE NE	DOMESTIC
			SE NE	IRRIGATION
				Section Acres
				Total Acres

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO ADD 2.0 ACRES OF IRRIGATION.

FOREST SERVICE RECORD ID = 041517040104370135 00

26 NOV 03 - MAILED
To Steve Jenkins USPS
524-7500
w/ REQUEST FOR
Priority Endorsement.

UNSIGNED
1/29/04 No Response
Recommendation made
As per Original
claim.
OPM

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: 23-04020

FILED UNDER STATE LAW

RECEIVED

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service
Address: 550 W. Fort Street MSC033
Boise ID 83724
MAR 18 1998
Department of Water Resources
2. Date of Priority: 06/01/1957
3. Source of water: SPRING
Tributary: SINKS
4. Location Meridian BOISE
Description of Diversion Works: Headbox
Location of Point of Diversion
T: 01 S R: 45 E S: 29 SWNE
Location of Point of Use
T: 01 S R: 45 E S: 29 SENE
From: Spring
5. Quantity claimed: Period Quantity For
5/ 01 -- 10/ 31 0.02 CFS Domestic
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS
7. Present and future uses to which the water is or will be used:
Domestic
8. Attach the legal description of the reservation, and maps
proposed place of use and existing points of diversion.
Bound separately
the existing and
9. Remarks:
State Basin: 23
National Forest: Targhee
Forest Service Record ID: 04 15 17040104 37 0 0135
This needs Amended to
Add inq. = 2AC
w/ evidence of Priority
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

Carlsen, Ernie

To: Steven M Spencer
Subject: RE: 23-4020, USFS

Steve, the Basin 23 Preliminary Director's Report for the public was mailed out last week. I expect Don Shaff will be burning the CD for the state and federal agencies sometime this week. Based on your email I will prepare a recommendation for domestic use with a priority date of 4/28/1958, based on the special use permit. Keep me posted on any information you collect concerning the irrigation.
Ernie

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

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Monday, March 01, 2004 11:47 AM
To: Carlsen, Ernie
Cc: Ruberry, Allen
Subject: Re: 23-4020, USFS

Ernie,

I received this information from Brent Porter concerning the Snake River Boat Club. They received their first special use permit from the Forest Service 4/28/58. The original correspondence makes reference to the water system. Two acres is about right.

I'm not exactly sure what you may need or what we can offer to substantiate the 6/1/57 priority date. If everything was in as permitted in 1958, then 1957 would not appear to be an unreasonable time of 'first use'. It looks like the statutory claim was filed with the department in July of 1979, indicating domestic use and a priority date of June 1957. I can't see any reason that the information filed 25 years ago would necessarily be inaccurate. In addition, considering how things were handled back then, it is probably not unreasonable to think that they were watering 2 acres of lawn or landscaping back then under the domestic use.

I'll give Allen a call later today or tomorrow after he's had a chance to refresh his memory on this case and work with him on determining what information I may need to locate and submit that would meet the departments needs on this matter, and if I need to amend the claim or keep it as it is and file a additional (new) beneficial use claim to address the irrigation matter.

Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

Boise, ID 83706

"Carlsen, Ernie"
<ECarlsen@idwr.state.id.us>
To: "Steve Spencer (E-mail)" <sspencer@fs.fed.us>
cc: "Ruberry, Allen" <ARuberry@idwr.state.id.us>
Subject: 23-4020, USFS
01/29/2004 08:47
AM

Steve,
Allen Ruberry is rapidly reaching the end point in making recommendation for SRBA claims in Basin 23. Included in this group is 23-4020, a beneficial use claim on a spring used for domestic purposes at the Snake River Boat Club on the Bear Creek arm of Palisades Reservoir. The priority date being claimed is 6/01/1957. When statutory claim 23-4020 was originally filed it also listed irrigation as a beneficial use. The Department's investigation indicates there is irrigation taking place. So there are two issues with the SRBA claim. 1) Amend the claim to include irrigation of two acres.
2)
Submit documentation supporting the priority date of 6/01/1957. Allen has contacted a number of Forest Service personnel locally attempting to get priority evidence. To date no documentation or evidence has been submitted.
Without this documentation the claim is subject to being disallowed. We intend to mail the Preliminary Directors report prior to February 23. Your assistance in providing the priority information and possibly amending the claim before February 15 would be appreciated.
Feel free to contact me if you have questions.

Ernie

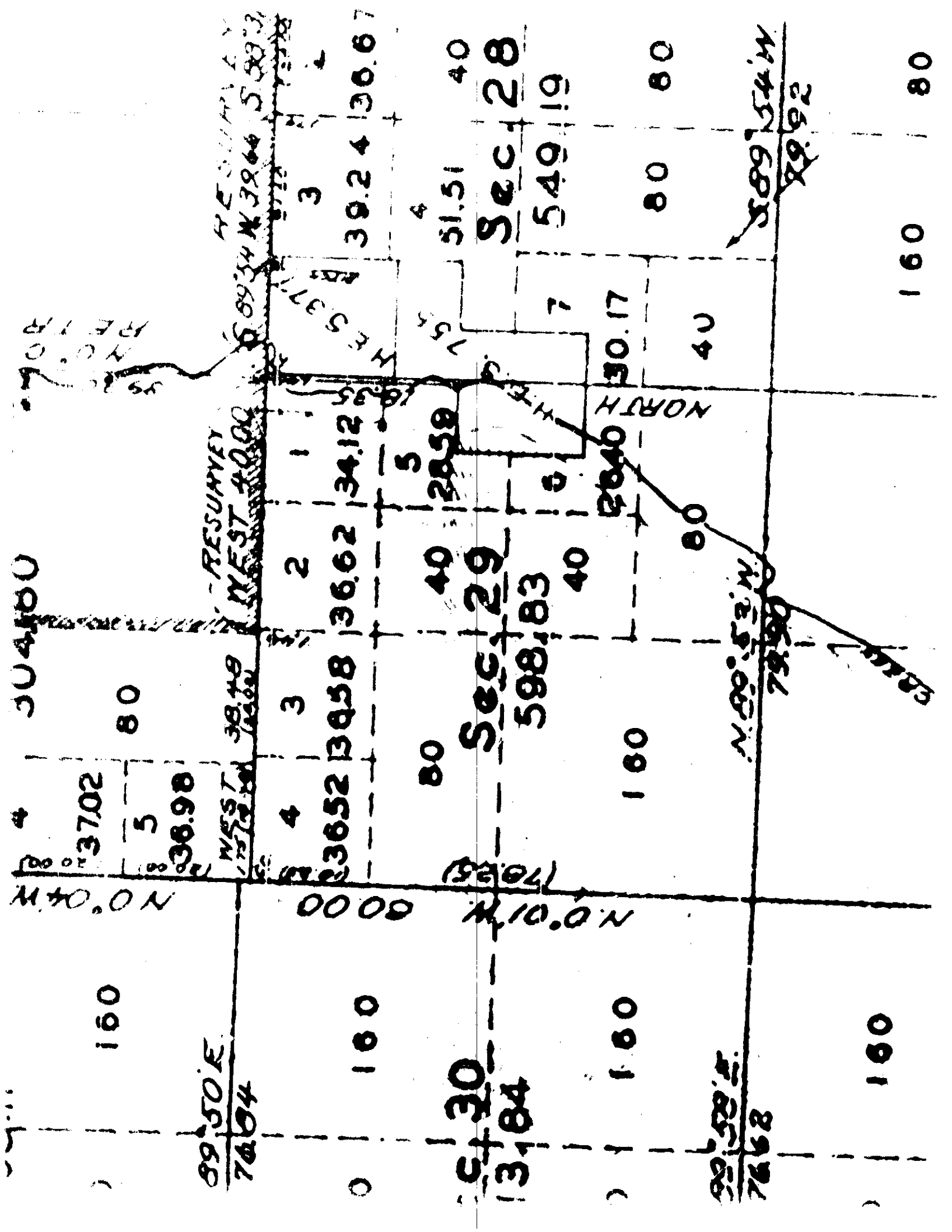
Ruberry, Allen

From: Carlsen, Ernie
Sent: Thursday, January 29, 2004 8:48 AM
To: Steve Spencer (E-mail)
Cc: Ruberry, Allen
Subject: 23-4020, USFS

Steve,

Allen Ruberry is rapidly reaching the end point in making recommendation for SRBA claims in Basin 23. Included in this group is 23-4020, a beneficial use claim on a spring used for domestic purposes at the Snake River Boat Club on the Bear Creek arm of Palisades Reservoir. The priority date being claimed is 6/01/1957. When statutory claim 23-4020 was originally filed it also listed irrigation as a beneficial use. The Department's investigation indicates there is irrigation taking place. So there are two issues with the SRBA claim. 1) Amend the claim to include irrigation of two acres. 2) Submit documentation supporting the priority date of 6/01/1957. Allen has contacted a number of Forest Service personnel locally attempting to get priority evidence. To date no documentation or evidence has been submitted. Without this documentation the claim is subject to being disallowed. We intend to mail the Preliminary Directors report prior to February 23. Your assistance in providing the priority information and possibly amending the claim before February 15 would be appreciated. Feel free to contact me if you have questions.

Ernie



23-04020 STAT

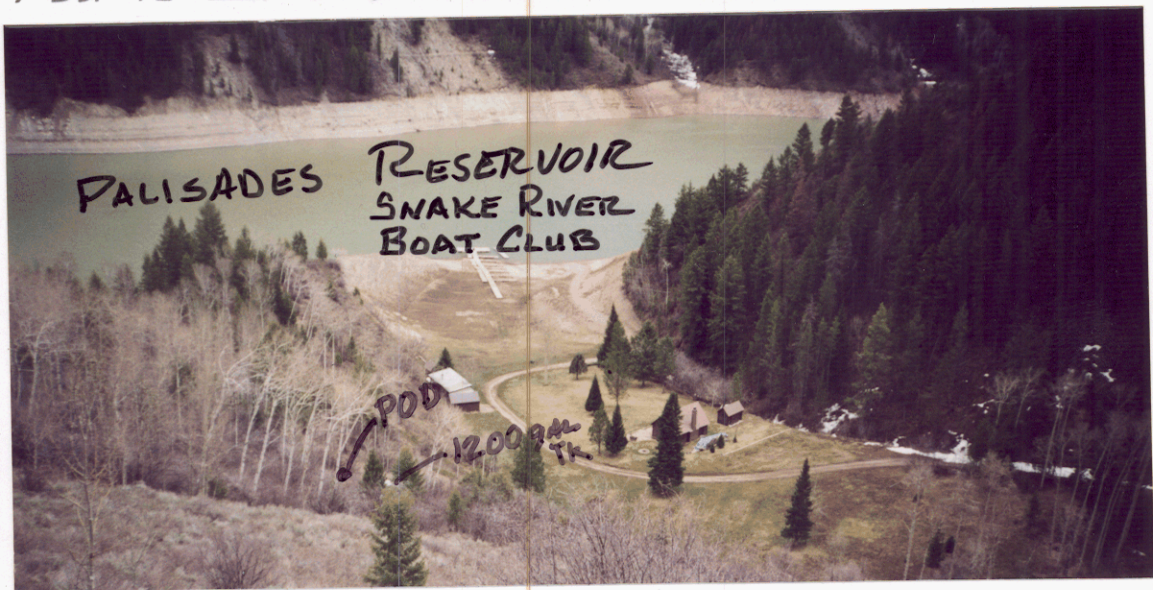
USDA FOREST SERVICE

I. SOURCE: SPRING CLAIMS TRIB TO: SINKS
ORIGINAL CLAIM: SPRING TRIB TO: PALISADES RES.

↓
SNAKE RIVER, So Fr

II. POD: (ORIGINAL) TIS R4SE SEC. 29 NENE
CLAIMS: TIS R4SE SEC. 29 SWNE
RECOMMEND: TIS, R.4SE, SEC. 29 SENE (L5)

III. POD IS SNAKE RIVER BOAT CLUB



8/20/03 Met STAN & CAROL Taylor, CARBONADO.

Irrig of LAWN FROM Spring - Storage OK 1200 GAL TANK $\approx 2^{\circ}$ ac
17 TRAILER HYDRANTS, CABINS.

GPS TAG# A0012445

2 GPM = 10 HRS TO FILL TR

$2 \text{ gpm} \times 1440 \text{ min/day} = 2880 \text{ gal/day}$

Fills 2.4 times/day

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-4020

WATER RIGHT NUMBER: 23-4020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF AGRICULTURE FOREST SERVICE 161 E MALLARD DR STE A BOISE, ID 83706 (208)331-5944

Priority Date: 06/01/1957
Basis: Statutory Claim
Status: Active

Source
SPRING

Claims: Sinks
Tributary
PALISADES RESERVOIR

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	5/01 to 10/31	0.015 CFS	
	<u>Total Diversion:</u>	0.015 CFS	

Location of Point(s) of Diversion

SPRING
BONNEVILLE County

NE1/4NE1/4 Sec. 29, Twp 01S, Rge 45E, B.M.

CLAIMS T1S R45E SEC. 29 SWNE

Place of Use

DOMESTIC Within BONNEVILLE County
T01S R45E S29 SENE *OK*

Conditions of Approval:Remarks:

1. General DOMESTIC USES FOR SNAKE RIVER BOAT CLUB

Comments:Dates and Other Information:

T1S, R45E

Snake River
Boat Club

Palisades Reservoir
HES # 377
20 21
29 28

HES # 755

Bear Creek

First
Canyon

T1S, R45E

First

Canyon

spring

1.25 acre lawn

Snake River Boat Club

20 21
29 28

Palisades

Reservoir



