

03/29/2004

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

RIGHT NUMBER: 23-11247

NAME AND ADDRESS: JON BUCKLAND
425 W 350 N
BLACKFOOT ID 83221

SOURCE: BURNS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.015 CFS

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:

T03N R42E S11 SENESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.015 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R42E S11 Lot 2 NWSE 0.5

0.5 ACRES TOTAL

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: Decreed

PROPERTY IS A PART OF HOMESTEAD ENTRY SURVEY NO. #557.

4/27/04 Add Koonan River connection.



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 23-11247
Date Received: 11/7/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED
NOV 13 2003
TWIN FALLS, ID

1. Name of Claimant(s)

JON BUCKLAND Phone: (208) 785-0712
425 W 350 N
BALCKFOOT ID USA 83221

2. Date of Priority: 07/01/1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	42E	11	SE SE NE	BONNEVILLE	

5. Description of diverting works:

diversion off creek to open ditch for flood irrig.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.012	

7. Total Quantity Appropriated is:

0.012 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
03N	42E	11	NW SE	IRRIGATION	0.6
Section Acres					0.6
Total Acres					0.6

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:

THIS CLAIM IS BASED ON A PORTION OF 23-00113A.

15. Basis of Claim: Decreed

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):

Jon Buckland

Date: 1/14/03

Date: _____

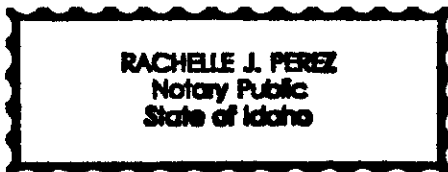
State of Idaho)
County of BINGHAM) SS.

Subscribed and sworn (or affirmed) before me this
of NOVEMBER 2003

14th DAY
Rachelle J. Perez
Notary Public

Residing at Idaho Falls

My commission Expires 9/11/2006



 Steven M Spencer

04/27/2004 09:39
AM

To: dshaff@idwr.state.id.us
cc: aruberry@idwr.state.id.us, ecarlsen@idwr.state.id.us
Subject: Basin 23 Preliminary

Don, we have discussed previously the FS desire to offer corrections to probable FS objections to water rights during the preliminary reporting period BEFORE the report goes to the court. That way I can work with the various agents to resolve FS issues outside of the court. And we can for go the legal procedures of objecting, hashing it out, doing SF5's, correcting the water right description, getting signatures and all the related time in the legal arena. It will save time for the department, the FS, the court, and the claimants.

This worked very well for us in Basin 29. I worked with Ernie on a dozen or more in the preliminary. Ernie took the comments I offered during the preliminary phase and we resolved FS issues so that the water rights were recommended in such a manner that the FS did not have to object. Instead of 10 or 15 objections, we only had 3 (which I may have missed during the review of the preliminary).

With that in mind, we reviewed the Basin 23 preliminary recommendations and have some suggestions that would clarify 8 water right recommendations so that the FS would not have to protest them. I would like to work with you and Allen to accomplish this, as well as continue it into the future. I've discussed these with you and will send copies of the two Master Title Plat (MTP) maps from the BLM master land records to Allen so that he has the same information I relayed to you on problems with "LOTS". The other concerns are with quarter-quarters where there is federal and private land and NO lots distinguishing land ownership. We have used a clause in the past to make it clear that the POU's or sometimes the entire water right are NOT ON FEDERAL LAND. That way we have the surety that there should not be a misunderstanding in the future if there is or is not use on the federal land.

I am still determining how to deal with a handful of cases where there is apparent irrigation of small pieces of NFS land fenced in with private land. If there is something that I can get started to resolve these matters I will get back with you and Allen. Thank you for your cooperation on these topics.



Preliminary Recommendations.d

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

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

RECEIVED

APR 29 2004

Department of Water Resources
Eastern Region

Basin 23 Preliminary Recommendations
Forest Service Suggestions to avert Objections

I. MIXED OWNERSHIP – PRIVATE LAND LANGUAGE

There are 5 water right recommendations that involve quarter-quarters with mixed federal and private land ownership. Often times the mixed ownership questions can be clarified using government survey 'Lot' information to distinguish federal and non-federal ownership. In these 5 situations government 'Lots' are not available. The federal vs. private question could be resolved by adding a remark such as:

The points of diversion and places of use for this water right do not include any federal land.

The Forest Service is faced with this situation on water right numbers:

23-07087

23-10258

23-11210 (in addition, it appears that the SESE Sec 11 is 'LOT 5')

23-11212 (adaptation for instream flow stockwater needs to also reference beginning and ending point of the instream flow)

23-11228

If a clause clarifying the ownership of the land for these water rights could be added to the water right descriptions that are recommended to the SRBA Court, the Forest Service would not object to these water rights – the settlement of which would be to add this language to the water right description. This would save the Department, the Court, the private party and the United States time.

II. ANOTHER 'LOT' PROBLEM

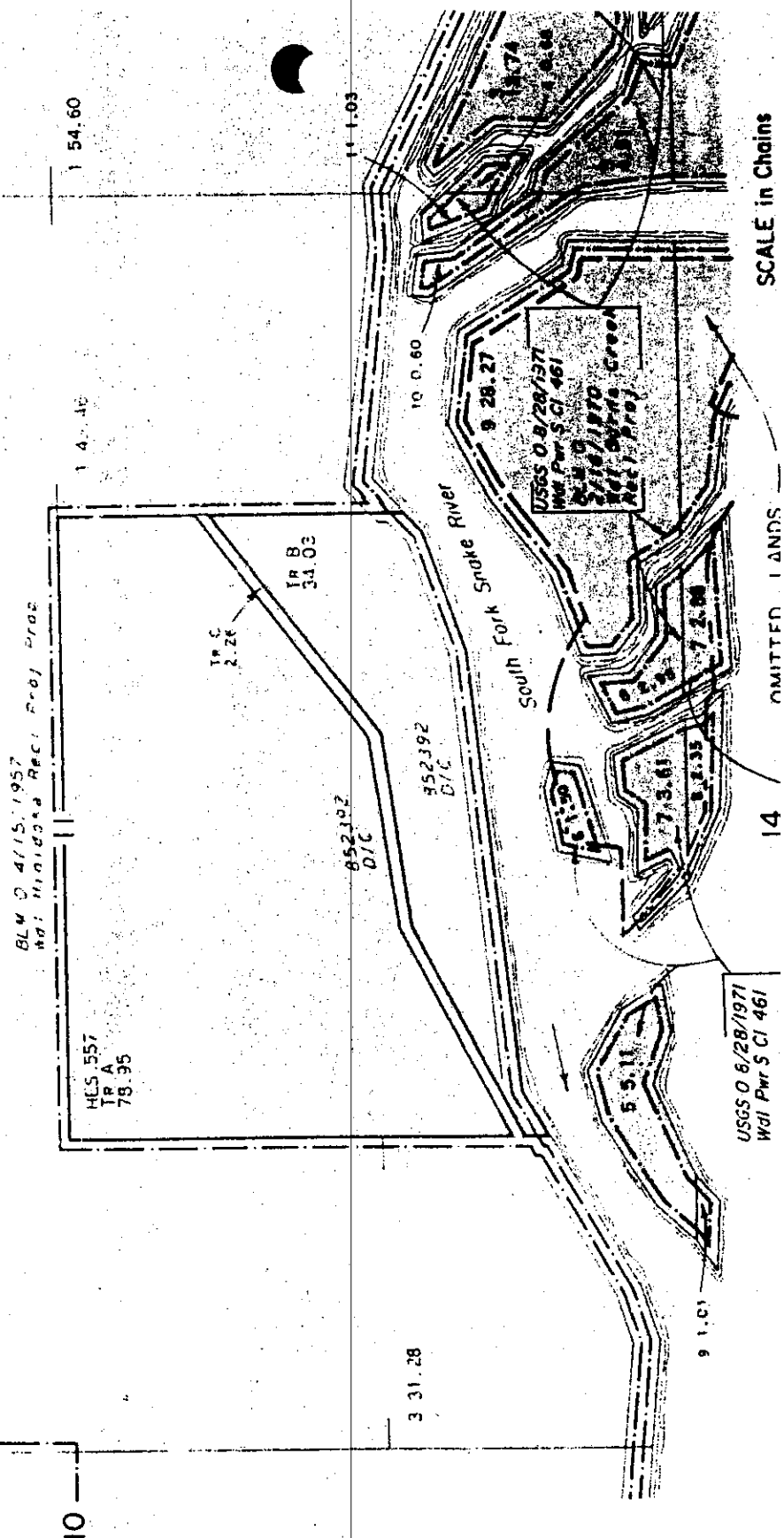
23-02018 MTP shows NWNE Sec 7 as LOT 20, not LOT 9 (this is NFS land), and SENW of Sec 7 is not LOT 11, but simply part of HES 256. There are .9 acres of irrigation on NFS land at this time. I'll see what I can do to work it out with the claimant to get that .9 acres off NFS land. Then a clause pertaining to POU's not on federal land would be appropriate. The POD is on NFS land. MTP map provided.

III. OTHER OBSERVATIONS

23-00113A and 23-11247 For a more precise legal description, the private property (location of POU's) is HES 557 Tract B. The POD is on NFS land. Clause that the POU's do not include any federal land would be appropriate because they are all on HES 557 Tract B. MTP map provided.

Thank you. That is all for now.

23-11247



RECEIVED

MAR 15 2004

Department of Water Resources
Eastern Region

12/03/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-11247

JON BUCKLAND

425 W 350 N

BLACKFOOT ID 83221

Telephone Number: (208)785-0712

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3-6-04

SIGNATURE:

Jon Buckland

Please print your name:

JON BUCKLAND

IDWR Regional Office,

3/29/04 Recommendation ADJUSTED - Due to corrections
to 23-113A.

Adjusted SQU to 41, from 415.

ABR

Contacts Data Entry Form

Water Right No. 23-11247

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner	DON Buckland					
---------------	--------------	--	--	--	--	--

Name connector: and _____, or _____, and/or _____

Current Owner						
---------------	--	--	--	--	--	--

Current Owner						
---------------	--	--	--	--	--	--

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

CLAIMED AS PORTION OF 23-113A (SEE HISTORY OF 113)
DETERMINED ROSSBURG BRIDGE vs TOLON BRIDGE, 1910, AS #8.-
TO CHAS. WHEATON, July 1, 1882 FROM BURNS CK., 100".
SEE SPLIT HISTORY

11/7/03 MR. Buckland VISITED IDWR AT REQUEST TO
FILE THIS CLAIM DUE TO SURVEIL FROM SAME POD
AND CONVEYANCE DEED. SEE 23-113A FOR POD photo

SEE 23-113A FOR EXAM NOTES & Photos

Reviewer: _____

Date: _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-113A

WATER RIGHT NUMBER: 23-113A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES WHEATON
	, ID
Current Owner	ELAINE BUCKLAND FULLMER
	6281 E HEISE RD
	RIRIE, ID 83443
	(208)538-5076
Original Owner	CARL BUCKLAND
	, ID

Priority Date: 07/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BURNS CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BURNS CREEK	SE1/4SE1/4NE1/4	Sec. 11, Twp 03N, Rge 42E, B.M.
BONNEVILLE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	42E	11									8.0		1.0	15.0	1.0		8.0	17.0	2.0	52.0

Total Acres: 52

Conditions of Approval:Remarks:

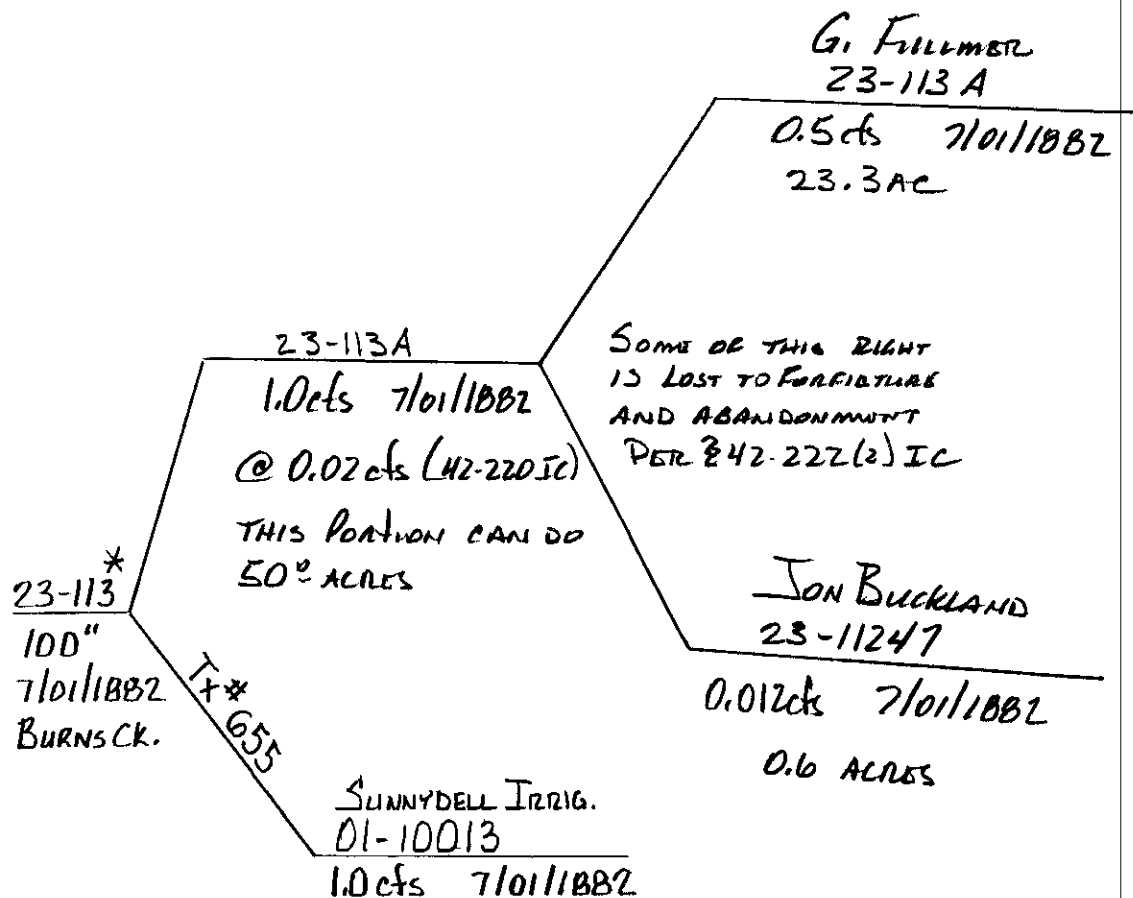
- General P/D BUCKLAND DITCH.
P/D BUCKLAND DITCH.
THIS IS A SPLIT OF RIGHT 22-00579 LESS TRANS. 655 | SOURCE ON U.S.G.S. MAP IS BURNS CANYON.
| THIS RIGHT IS ACTUALLY LOCATED IN BASIN 23.
RENUMBERED FROM 22-00579A

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-113A

Comments:Dates and Other Information:

Claim Received Date: 8/31/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False



* RIGHT ORIGINATED AS 22-0579. RENUMBERED DUE TO WRONG BASIN.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: July 1, 1882 Claimed Basis: DUERSERecommended Priority Date: July 1, 1882 Recommended Basis: DUERSE☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Matchos Duense

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____ County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 3N, R 42E, Sec. 11,____,____,____,____ County: BONN.Source: BURNS CREEK Tributary: SNAKE RIVER, So. Fork

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____ County: _____

Source: _____ Tributary: _____

ERROR!
N85E

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>3N</u>	<u>42E</u>	<u>11</u>		<u>SENESE</u>	<u>BONN.</u>	<u>BURNS CK</u>

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

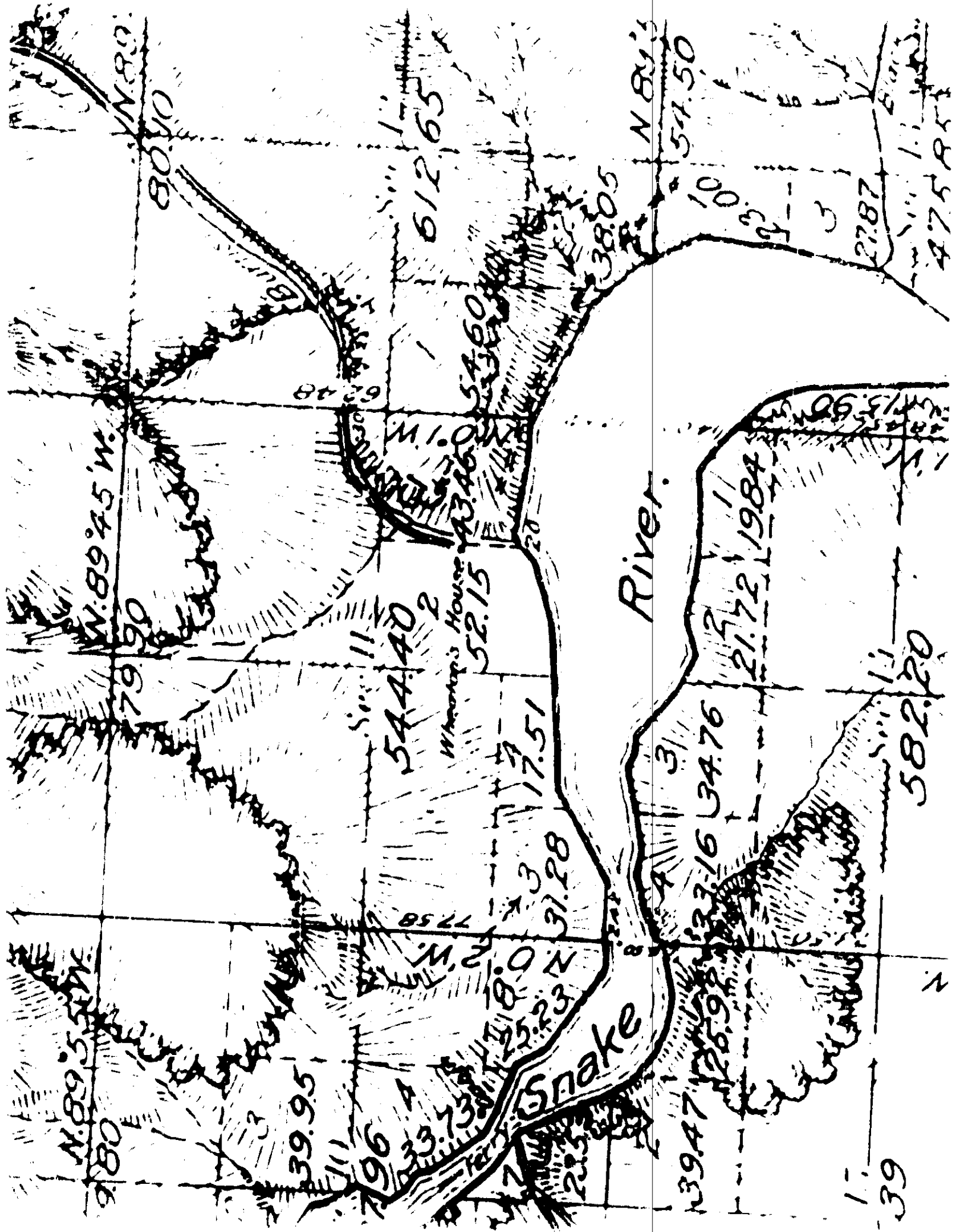
Document how the POD and Source were verified and/or Pump and Motor data:

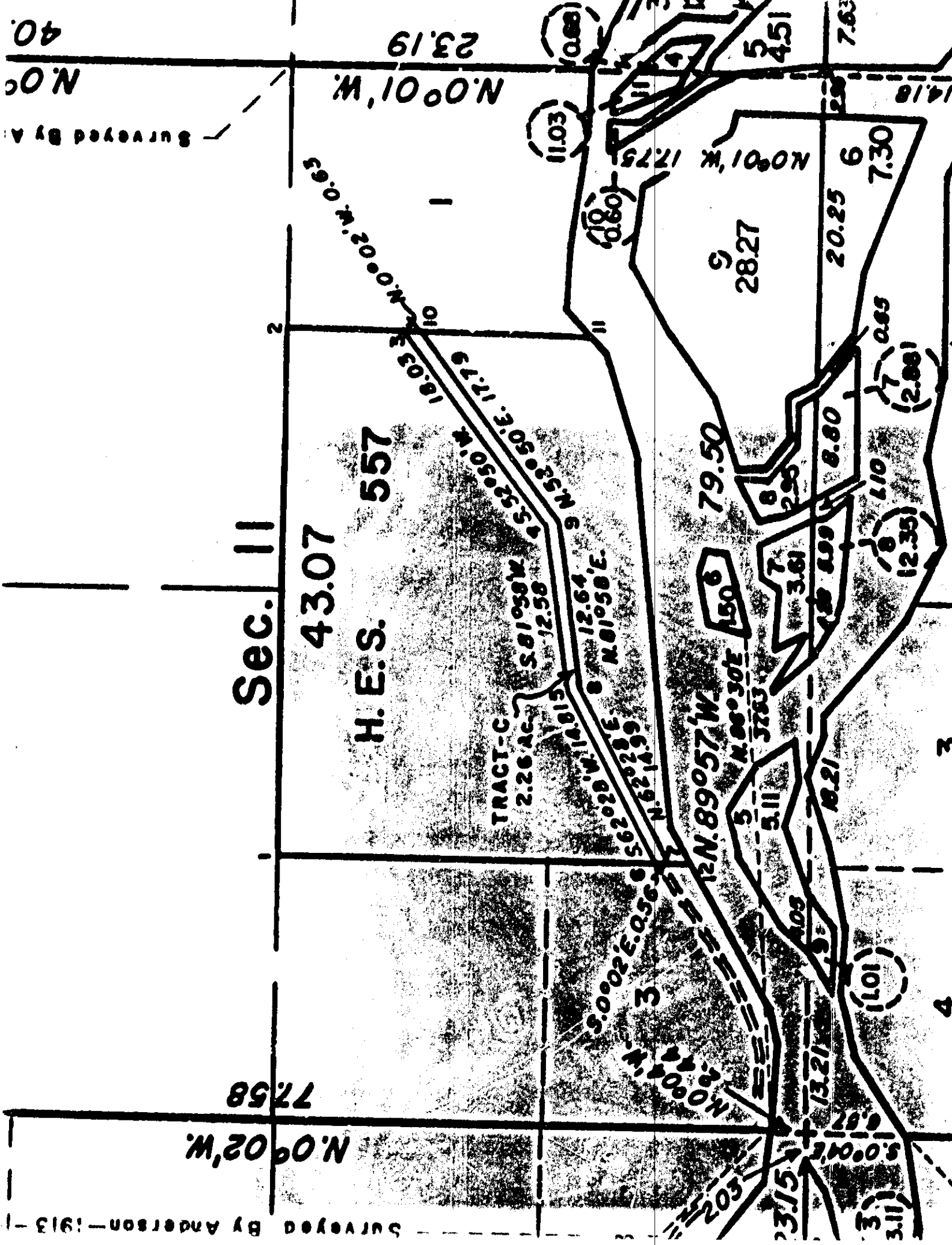
SEE 23-113A FOR GPS TAG #

Transfers Changing POD _____

Reviewer: _____

Date: _____





Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
3N	42E	11	NWSE		BONN.	2	0.6	Irrig.

Total Acres _____

Document how the POU was verified:

Irrigation is for large lawn at cabin-flood irrig.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Ennis</i>	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Ennis</i>	<i>4/15</i>	<i>10/31</i>	<i>0.012</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-11247

Place of Use: (part of)
T3N, R42E Sec. 11 NWSE

Point(s) of Diversion:
T3N, R42E Sec. 11 SESENE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2004

T3N, R42E
Section 11

Jon Buckland
0.6 acres

Burns
Creek

Snake
River

