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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcases: 43-13343 and 43-13344

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

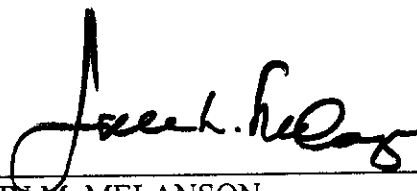
On April 15, 2004, Claimants Jay and Kim Thornton filed *Motions to File Late Notice of Claim* for water rights 43-13343 and 43-13344. Hearing was held on the *Motions* July 30, 2004. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for water rights 43-13343 and 43-13344 are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated July 23, 2004.



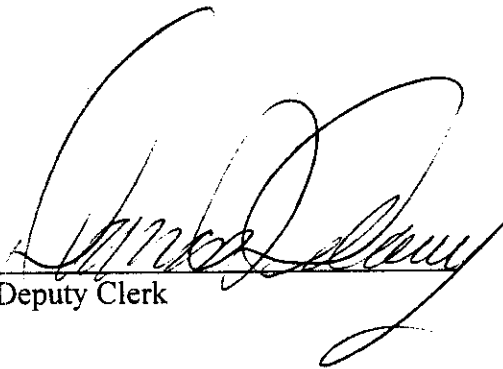
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTIONS TO FILE LATE NOTICE OF CLAIM** was mailed on July 23, 2004, with sufficient first-class postage to the following:

Jay R Thornton
Kim Thornton
PO Box 635
Malta, ID 83342

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098



Deputy Clerk

Idaho Department of Water Resources Receipt

Receipt ID C074622

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337	41503	1155	



Signature Line (Dept. Representative)

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 43-13344
Date Received: 11/17/2003
Receipt No: C074622
Received By: M

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

1. Name of Claimant(s)

KIM THORNTON Phone: (208)645-2557

PO BOX 635
MALTA ID USA 83342

JAY R THORNTON Phone: (208)645-2557

PO BOX 635
MALTA ID USA 83342

2. Date of Priority: 04/01/1889

3. Source: ONEMILE CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16S	26E	28	SE NW SW	CASSIA	Beginning Point
16S	26E	28	NE NW NW	CASSIA	Ending Point

5. Description of diverting works:

INSTREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:

0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 80 HEAD OF RANGE CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16S	26E	28	NW	SW	STOCKWATER	
			SW	NW	STOCKWATER	
			NW	NW	STOCKWATER	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATE BASED UPON UTAH DECREE NUMBERS 477 AND 482.

15. Basis of Claim: Beneficial Use

16. Signature(s)

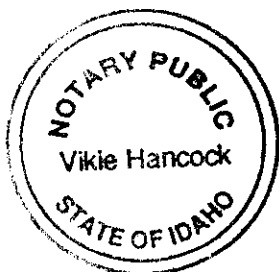
For Individuals:

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

Signature of Claimant(s): Kim Thornton Date: 4-15-04
_____ Date: _____

State of Idaho)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 15 day of April 2004



Vikie Hancock

Notary Public

Residing at Buhl, Idaho

My commission Expires 5-7-2009

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 43-13343
Date Received: 11/17/2003
Receipt No: C074623
Received By: C074624
M

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

1. Name of Claimant(s)

KIM THORNTON Phone: (208)645-2557

PO BOX 635
MALTA ID USA 83342

JAY R THORNTON Phone: (208)645-2557

PO BOX 635
MALTA ID USA 83342

2. Date of Priority: 04/01/1889

3. Source: ONEMILE CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16S	26E	28	SW SW SW	CASSIA	

5. Description of diverting works:

THE ACTUAL POINT OF DIVERSION FROM ONEMILE CREEK IS IN THE STATE OF UTAH LEGAL DESCRIPTION IS S 4290 FT E 660 FT FROM THE NW CORNER OF SECTION 35, T15N R15W SLB&M. THE LISTED POINT OF DIVERSION FOR THIS RIGHT IS WHERE THE BURIED PIPELINE CROSSES INTO THE STATE OF IDAHO. THERE IS ALSO A PARALELL SURFACE DITCH THAT FOLLOWS THE PIPELINE ROUTE AND SOMETIMES ALSO CONVEYS WATER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	10	

7. Total Quantity Appropriated is:
10 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
16S	26E	28	NW	NW	IRRIGATION	23
			NW	SW	IRRIGATION	15
			SW	SW	IRRIGATION	22
			SW	NW	IRRIGATION	22
					Section Acres	82
					Total Acres	82

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM WAS CREATED AT THE REQUEST OF KIM THORNTON FOR JAY AND KIM THORNTON, PO BOX 635, MALTA, ID 83342. INFORMATION NEEDED TO FILE A MOTION FOR LATE CLAIM IN BASIN 43. 11-17-2003. VH

SRBA CLAIM 43-13343 IS BASED UPON UTAH STATE DECREED RIGHTS 477 AND 482. SEE FILE. QUANTITY CLAIMED IS MAXIMUM DIVERSION ALLOWED UNDER UTAH RIGHT WHICH STATES THAT CLAIMANT RECIEVES A PROPORTION OF 10 CFS ON A ROTATIONAL BASIS. CLAIMANT RECEIVES ENTIRE FLOW OF ONEMILE CREEK TWO DAYS OUT OF EVERY TEN DAYS. CONVEYANCE WORKS CONSIST OF A DITCH FROM ONEMILE CREEK TO A POND. A 12 INCH PIPELINE CONVEYES WATER FROM THE POND ACROSS THE STATE LINE TO PLACE OF USE IN IDAHO.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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): Kim Hunter Date: 4-15-04

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day of April 2004



Vikie Hancock

Notary Public

Residing at Buhl, ID

My commission Expires 5-7-2009

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF UTAH IN AND FOR
BOX ELDER COUNTY

**PROPOSED DETERMINATION OF WATER RIGHTS IN
BOX ELDER COUNTY**

Snake River Division

Code No. 11

(Goose Creek, Raft River and Clear Creek Vicinity)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT IN AND FOR BOX ELDER COUNTY

STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF ALL THE RIGHTS
TO THE USE OF WATER, BOTH SURFACE
AND UNDERGROUND, WITHIN BOX
ELDER COUNTY, UTAH
SNAKE RIVER DIVISION

PROPOSED DETERMINATION
OF WATER RIGHTS
FOR
GOOSE CREEK, RAFT RIVER, AND
CLEAR CREEK AND VICINITY

Comes now, Hubert C. Lambert, as Acting State Engineer of the State of Utah, and respectfully represents and shows unto this Honorable Court:

1. That the area comprising this general determination proceeding includes all of the water sources, both surface and underground, in Box Elder County, Utah, west of the divide separating the drainage area of the Bear River from the drainage area of the remainder of the county; and the area comprising the Snake River division of this adjudication (including Goose Creek, Raft River, and Clear Creek and Vicinity) includes that drainage area north of the divide between Great Salt Lake drainage area of the Snake River.

2. That on the 24th day of April, 1956, after petition filed by the State Engineer of Utah in this cause and in the case of Yost v. Tracy, Civil No. 166, now pending in this court, and Order was made and entered by this Honorable Court directing that a general determination of water rights be made and that the George Creek area should be given a first priority.

3. That the State Engineer has followed the provisions and requirements of Chapter 4 of Title 73, Utah Code Annotated, 1953, and has given and published the notices therein required, and has caused summons to be issued and served and has secured the filing of claims by the users of water in said area and the filing of disclaimers by property owners whose only use is through irrigation or water companies or municipalities; that the State Engineer has examined decrees relating to water rights in Box Elder County, and has searched the files of his office and the office of the County Recorder in said county, to the end that no right to the use of water within the said drainage area shall have escaped his attention; that he has given careful consideration to the claims of the water users as filed herein, completed his hydrographic surveys, and certified to the Court the date of completion of said surveys; and that the State Engineer is now

prepared to make a proper division of the water resources within the above entitled proceeding and does herewith submit to this Honorable Court his proposed determination of all rights to the use of water within the drainage area of Goose Creek, Raft River, and Clear Creek and Vicinity.

4. In recommending this proposed determination of water rights, the State Engineer has adhered to the principles of water appropriation as set forth by the Constitution and the Statutes of the State of Utah and by the decisions of the Supreme Court of the State of Utah, by which constitution, statutes and decisions, it is declared that beneficial use shall be the basis, measure, and limit of the right to the use of water.

5. That diligence rights from surface water sources are those which were initiated by beneficial use prior to March 12, 1903 and were obtained and established thereafter in accord with the intent of the appropriator and the laws of the State of Utah then existent; that diligence rights from underground water sources are those which were initiated and fully attained by beneficial use prior to March 22, 1935. Other rights to the use of water, either pending or perfected, must have been initiated by an application filed in the office of the State Engineer. Perfected rights are represented by a certificate of appropriation issued by the State Engineer and details of such rights are included in this proposed determination for confirmation by the Court. Pending applications are simply permits to put the water to beneficial use within a specified time or an extension thereof. These applications, filed for direct diversions for irrigation or other purposes shall be subjected to the same conditions of period of use as set forth in paragraph 9. In some special instances, the water user has claimed and has substantiated a right based upon an adverse use and the details of such right are also included herein for confirmation by the Court. In preparing the details of the rights as listed in the proposed determination, it has been the rule to

consider a flow of water as being only a maximum rate of withdrawal from the underground supply and/or surface sources; the real appropriation is the quantity or volume of water actually withdrawn or diverted in acre feet during a calendar year for beneficial purposes.

6. In the instance of irrigation, the field headgate requirement of the land has been considered to be 3.00 acre feet per acre per calendar year, regardless of the source of supply. Annual rainfall is about 11 inches of which nearly 4 inches comes during the frost-free period. Consumptive use or evapotranspiration from the land and crops is considered to be a total of 2.0 acre feet per acre per growing season of which precipitation furnishes 0.3 acre feet, giving a net consumptive requirement of 1.7 acre feet per acre. The balance of 1.3 acre feet per acre reflects the application losses that are considered reasonable for this area at this time. This allowance for application losses varies depending upon economics and the development of the area. Conveyance losses vary with lengths of canals and ditches and with soils. It is recommended that the Court reserve the right to change this liberal allowance for application losses in the interest of full development of the area. Transmission allowances for canals in excess of one mile in length are not included in this proposed determination, but is under consideration and investigation by the office of the State Engineer and will hereafter be the subject of a supplemental report to this Court. In determining the amount required for stockwatering purposes, a water allowance has been made of 5 gallons per day for each sheep, goat, or swine, 25 gallons per day for each cow or horse, and 0.75 gallons per day for each chicken or turkey. For domestic or household use, a water allowance of 650 gallons per day for each family has been made.

7. This proposed determination is intended to cover all existing rights and pending applications initiated in the office of the State Engineer, all within the area described. The rights listed herein, which are founded upon contemplated appropriations of water by subsisting applications filed in the office of the State Engineer, are subject to inclusion in a final decree conditional upon compliance with the terms of the application upon which the respective contemplated appropriations are based and upon compliance with the provisions of the laws of the State of Utah relating thereto and upon proof of appropriation being made to the

State Engineer or the applicant electing to submit a water user's claim in lieu of proof. At the end of the periods as hereinafter mentioned, the status of said applications shall be reported by the State Engineer to the Court for inclusion in such supplemental report and decree as the Court may determine and order.

8. A water user's claim number is used to describe a fact situation, such as a point of diversion, a priority, or an interest, that can be treated as a unit. Thus a water right may be constituted by one or several water user claim numbers each of which describe the fact situation.

9. The period of use set herein allows one month in advance and one month following the average frost-free period of each year, but it is recommended that the State Engineer, or his duly authorized water commissioner be authorized to vary the period of use when necessary to insure the most beneficial use of the waters; but this variance shall not establish any right as against storage or other beneficial use, either present or future.

10. It is recommended that the rights to the use of water within the area included in this proposed determination be decreed to the various parties substantially as set forth herein. It is further recommended that the Court require that the State Engineer, at periodic intervals of not less than five years, make his report to the Court for inclusion in a supplemental order or decree, said report to include adjustments, corrections of names of owners and of their addresses, action taken on pending applications, and such other matters as time may indicate to the Court to be just and proper.

11. In all matters whatsoever pertaining to this proposed determination of water rights, the services and assistance and advice of the office of the State Engineer are and shall remain available to the Court.

Hubert C. Lambert
HUBERT C. LAMBERT
ACTING STATE ENGINEER OF UTAH

Dated August 1, 1965

DETERMINATION OF WATER RIGHTS BOX ELDER COUNTY, UTAH
SNAKE RIVER DIVISION

CLAIM NO.	NAME & ADDRESS OF CLAIMANT	SOURCE & TYPE OF RIGHT	PRIORITY DATE	FLOW C.F.S.	POINT OF DIVERSION	PERIOD OF USE, inclusive	
						FROM	TO
477	Joseph W. Barnes Naf, Idaho	One Mile Creek Diligence No. 244 Map 7-d	1889	10.00 See Remarks	S. 4290 ft. E. 660 ft. from the NW Cor. Sec. 35, T15N, R14W, S1B6M.	April 1	October 31
				Incid.		January 1	December 31
482	Patley Y. Montgomery Naf, Idaho	One Mile Creek Diligence No. 272 Map 7-d	1889		S. 4290 ft. E. 660 ft. from NW Cor. Sec. 35, T15N, R14W, S1B6M. (West Ditch)	April 1	October 31
				Incid.		January 1	December 31
720	Ervin T. Jones Naf, Idaho	One Mile Creek Diligence No. 248 Map 7-d	1889	10.00 See Remarks	S. 4290 ft. E. 650 ft. from the NW Cor. Sec. 35, T15N, R15W, S1B6M. (Lower West Ditch)	April 1	October 31

DETERMINATION OF WATER RIGHTS BOX ELDER COUNTY, UTAH
SNAKE RIVER DIVISION

ANNUAL WATER ALLOWED FROM HEADGATE	DIVERSION FROM SOURCE	PURPOSE, EXTENT & PLACE OF USE	CLAIMS USED FOR PURPOSE DESCRIBED	REMARKS
123.00 AC.FT.	AC.FT.	IRRIGATION: 14.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 26.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T16S, R26E, B55M, or a total acreage of 41.0 acres. SEE CLAIM USED FOR PURPOSE DESCRIBED	477	Water User's Claim 477 is limited to the irrigation requirements of 40.0 acres. This same flow is intermittently diverted at any, each, or all points of diversion by any, each, or all claimants. Rights covered by Water User's Claims 470, 477, 481, 482, 494, 497, 718, 719, 720, and 725.
1.15		STOCKWATERING: 40 Cattle, 1 Horse SEE CLAIM USED FOR PURPOSE DESCRIBED	477	
123.0		IRRIGATION: 15.3 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 25.7 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T16S, R26E, B55M, or a total acreage of 41.0 acres. SEE CLAIM USED FOR PURPOSE DESCRIBED	482	This same flow is intermittently diverted at any, each, or all claimants. Rights covered by Water User's Claims 470, 477, 481, 482, 494, 497, 718, 719, 720, and 725. This claim is limited to the irrigation requirements of 40.0 acres.
2.12		STOCKWATERING: 40 Cattle or Horses SEE CLAIM USED FOR PURPOSE DESCRIBED	482	
64.8		IRRIGATION: 0.30 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.2 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.1 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T15N, R14W, S1B5M, or a total acreage of 21.60 acres. SEE CLAIM USED FOR PURPOSE DESCRIBED	720	This same flow is intermittently diverted at any, each, or all points of diversion by any, each, or all claimants. Rights covered by Water User's Claims 470, 477, 481, 482, 494, 497, 718, 719, 720, and 725. This interest in flow is diverted at any, each, or all points of diversion. Rights covered by Water User's Claims 481, 718, 719, and 720.



43-13343
Thornton

1987 Photo
T16S R26E