

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: **A22-00690**  
Date Received: 5/ 8/1996  
Receipt No: C008043  
Received By: \_\_\_\_\_

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

1. Name: BARRY SILVERSTEIN 616-720-0622  
Address: PALEFACE  
JAY NY 12941

2. Date of Priority: SEP 27, 1901

3. Source: SORENSEN CREEK Trib. to:  
CRANDALL SPRINGS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 46E   | 17      |        | SW     | SW     |     | TETON  |
|          |       | 18      |        | SE     | SE     |     | TETON  |

5. Description of diverting works:  
4 DIVERSIONS SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.630 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.120 |      |        |

7. Total Quantity Appropriated is:  
0.800 C.F.S. (and/or) 58.60 A.F.A.

8. Total consumptive use is 58.6 Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC: 3 HOMES; STOCK: 30 HORSES, 150 CATTLE

**RECORDED**  
**NOV 06 1996**

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 04N      | 46E   | 17      | SW     | SW  |     | IRR           | 1.0   |
|          |       |         | SW     | SW  |     | STOCK         |       |
|          |       |         | SW     | SW  |     | DOMEST        |       |
|          |       |         |        |     |     |               |       |
|          |       |         |        |     |     | Section Acres | 1.0   |
|          |       | 18      | SE     | SE  |     | IRR           | 30.5  |
|          |       |         |        |     |     | Section Acres | 30.5  |
|          |       |         |        |     |     | Total Acres   | 31.5  |

11. Place of use in counties: TETON

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

13. Other Water Rights Used:  
22-00691

14. Remarks:

THE USE OF WATER RIGHTS SET FORTH HEREIN IN CONJUNCTION WITH ANY OTHER WATER RIGHTS THE CLAIMANTS MAY HAVE SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS/AC. OF LAND IRRIGATED NOR A CONSUMPTIVE USE OF 1.86 AF/AC. OF LAND IRRIGATED. PLAINTIFF SILVERSTEIN IS REQUIRED TO INSTALL MEASURING DEVICES ACCEPTABLE TO THE DEPT. IN ACCORDANCE WITH SEC. 42-701, I.C. WITH RESPECT TO HIS 2 UPSTREAM POINTS OF DIVERSION, PLAINTIFF SILVERSTEIN SHALL BE REQUIRED TO INSTALL A LOCKABLE HEADGATE OR OTHER FLOW CONTROL DEVICE ACCEPTABLE TO IDWR IN ACCORDANCE WITH SEC. 42-701, I.C.

#5 CONT: DIVERSION 1 IN THE SW1/4SW1/4, SEC. 17 IS USED FOR DOMESTIC PURPOSES. A PIPE CONVEYS WATER TO A HOLDING TANK, AND WATER IS DELIVERED FROM THE HOLDING TANK TO 3 HOMES. OVERFLOW FROM THE TANK IS PIPED BACK TO THE CREEK. DIVERSION 2 IS LOCATED IN THE SW1/4SW1/4, SEC. 17, DOWNSTREAM FROM DIVERSION 1. WATER IS DIVERTED BY A 2" PIPE AND IS DISTRIBUTED TO A SERIES OF TROUGHS FOR WATERING OF 30 HORSES AND APPROXIMATELY 150 RANGE CATTLE. DIVERSION 3 IS LOCATED IN THE SW1/4SW1/4, SEC. 17. THIS DIVERSION IS USED TO IRRIGATE APPROXIMATELY 10 ACRES IN THE SOUTHEAST CORNER OF THE SE1/4SE1/4, SEC. 18. DIVERSION 4 IS LOCATED IN THE SE1/4SE1/4, SEC. 18, DOWNSTREAM FROM DIVERSION 3. IT IS CAPABLE OF IRRIGATING MOST OF THE S1/2SE1/4, SEC. 18. THE WATER RIGHTS CLAIMED ARE ESSENTIALLY AS SET OUT IN THE DIRECTOR'S REPORT FILED IN SILVERSTEIN V. FOSTER, CASE NO. 188530 CURRENTLY PENDING IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON.

14. Remarks: Continued

ISSUES INVOLVING THESE WATER RIGHTS ARE CURRENTLY THE SUBJECT  
OF LITIGATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BARRY SILVERSTEIN

Decree Plaintiff

RONALD D. CARLSON, ET AL.

vs

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 \_\_\_\_\_ 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): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

*Handwritten:* MICROFILMED

NOV 08 1996

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

*Renumbered A22-00690*

Ident. Number: A22-12778

Date Received: 8/28/1989

Receipt No: C008043

Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BARRY SILVERSTEIN 616-720-0622  
Address: PALEFACE  
JAY, NY 12941

2. Date of Priority: SEP 27, 1901

3. Source: SORESEN CREEK Trib. to: SINKS  
CRANDALL SPRINGS SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | Count |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 04N      | 46E   | 17      | SW     | SW     |     |     | TETON |
|          |       | 18      | SE     | SE     |     |     | TETON |

5. Description of diverting works:

4 DIVERSIONS SEE REMARKS FOR COMPLETE DESCRIPTION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.630 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.120 |      |        |

7. Total Quantity Appropriated is:

0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 58.6 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC: 3 HOMES; STOCK: 30 HORSES, 150 CATTLE

A22-12778

Page 1

Date: 09/22/89

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NOV 0 1992

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 04N      | 46E   | 17      | SW         | SW  | DOMEST        |       |
|          |       |         | SW         | SW  | STOCK         |       |
|          |       |         | SW         | SW  | IRR           | 1.0   |
|          |       |         |            |     | Section Acres | 1.0   |
|          |       | 18      | SE         | SE  | IRR           | 30.5  |
|          |       |         |            |     | Section Acres | 30.5  |
|          |       |         |            |     | Total Acres   | 31.5  |

11. Place of use in counties: TETON

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

13. Other Water Rights Used:  
A22-12779

14. Remarks:

#5 CONT: DIVERSION 1 IN THE SW1/4SW1/4, SEC. 17 IS USED FOR DOMESTIC PURPOSES. A PIPE CONVEYS WATER TO A HOLDING TANK, AND WATER IS DELIVERED FROM THE HOLDING TANK TO 3 HOMES. OVERFLOW FROM THE TANK IS PIPED BACK TO THE CREEK. DIVERSION 2 IS LOCATED IN THE SW1/4SW1/4, SEC. 17, DOWNSTREAM FROM DIVERSION 1. WATER IS DIVERTED BY A 2" PIPE AND IS DISTRIBUTED TO A SERIES OF TROUGHS FOR WATERING OF 30 HORSES AND APPROXIMATELY 150 RANGE CATTLE. DIVERSION 3 IS LOCATED IN THE SW1/4SW1/4, SEC. 17. THIS DIVERSION IS USED TO IRRIGATE APPROXIMATELY 10 ACRES IN THE SOUTHEAST CORNER OF THE SE1/4SE1/4, SEC. 18. DIVERSION 4 IS LOCATED IN THE SE1/4SE1/4, SEC. 18, DOWNSTREAM FROM DIVERSION 3. IT IS CAPABLE OF IRRIGATING MOST OF THE S1/2SE1/4, SEC. 18. THE WATER RIGHTS CLAIMED ARE ESSENTIALLY AS SET OUT IN THE DIRECTOR'S REPORT FILED IN SILVERSTEIN V. FOSTER, CASE NO. 1885, CURRENTLY PENDING IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON. ISSUES INVOLVING THESE WATER RIGHTS ARE CURRENTLY THE SUBJECT OF LITIGATION.

15. Basis of Claim: POSTED NOTICE

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NOV 06 1996

A22-12778

Page 2

Date: 09/22/89

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NOV 07 1992

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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NOV 06 1989

~~MICROFILMED~~  
~~NOV 08 1992~~

4/5/1989

RBA CLAIMS RECEIVING CHECKLIST

C008043  
C010495

CLAIMANT'S NAME Silverstein

CLAIM IDENT. NO. A22

DATE RECEIVED 8-28

CK # \_\_\_\_\_

AMOUNT \$ OK

YES NO Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO \*
2. Is a priority date entered? use 9-27-1901 ☒ YES ☐ NO \*
- Is the priority date acceptable in view of mandatory filing dates?  
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO \*
3. (a) Is a source entered? OK ☒ YES ☐ NO \*
- (b) Is a tributary to entered? (if required) N/A ☒ YES ☐ NO \*
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO \*
5. Is there a description of the diverting works? ☒ YES ☐ NO \*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO \*
- Is the period of use included? ☒ YES ☐ NO \*
- Is a quantity claimed for each use? ☒ YES ☐ NO \*
7. Is a total quantity claimed entered? ☒ YES ☐ NO \*
8. If required is a consumptive use entered? N/A ☒ YES ☐ NO \*
- Is the consumptive use correct? N/A ☒ YES ☐ NO \*
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. OK ☒ YES ☐ NO 3 homes, 30 horse, 150 cattle \*
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO \*
11. Is (are) the county(ies) entered? ☒ YES ☐ NO \*
12. Is the ownership of p.u. checked? ☒ YES ☐ NO \*
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO \*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ YES ☐ NO \*
15. Is the basis of the claim indicated? ☒ YES ☐ NO \*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒ YES ☐ NO \*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO \*
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO \*
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO \*
20. Is the fee enclosed correct? Exempt ☒ YES ☐ NO \*
21. If this claim is based on an existing water right, has the identification number been entered? N/A ☒ YES ☐ NO \*
22. Should this claim be data entered? ☒ YES ☐ NO \*

Claim checked by: Lat

Date: 9-8-89

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: \_\_\_\_\_

Claim data entered by: \_\_\_\_\_

Sent to claimant by: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Checked by: MICROFILM

Date: NOV 6 1992

Comments: See corres for explanation of 2 sources.