

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12877 V1

WATER RIGHT NUMBER: 45-12877 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562

Priority Date: 07/01/1882

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD CREEK SPRING	GOOSE CREEK COLD CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

COLD CREEK	SE1/4SE1/4NE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
CASSIA County		
SPRING	SE1/4SE1/4NE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
15S	21E	25	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						X	

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
15S	21E	25	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
						X	

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Adjudication Recommendation Report 45-12877 V1

Conditions of Approval:

1. C18 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.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

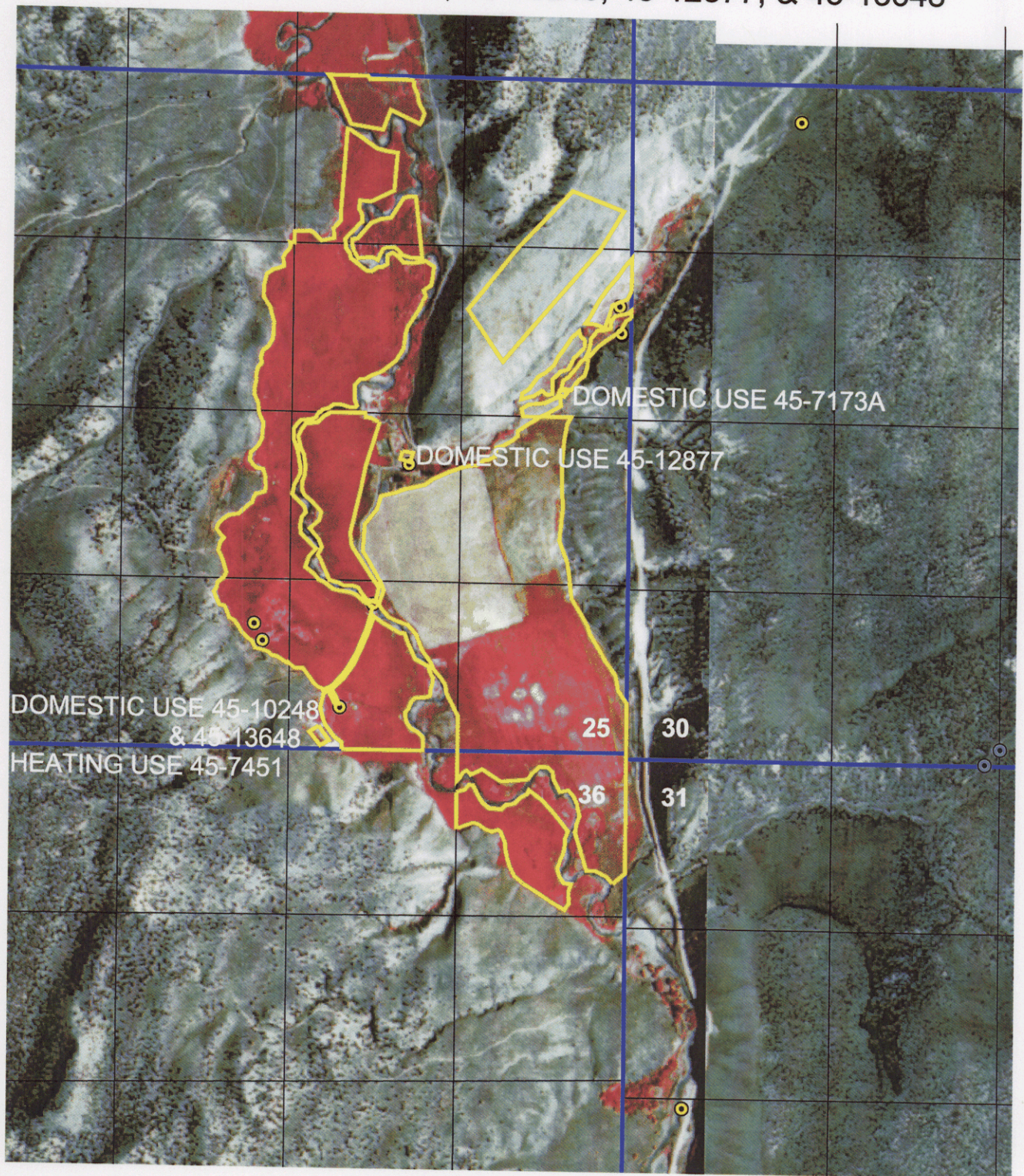
Comments:

1. jroberts 5/21/2004 NOE

Comment: Clarified with claimant that there are two separate pods for this right, in very close proximity. One is out of the spring box and the other is out of Cold Creek, which is also the same pod as that of 45-151.

Idaho Department of Water Resources

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



1320 0 1320 2640 3960 Feet

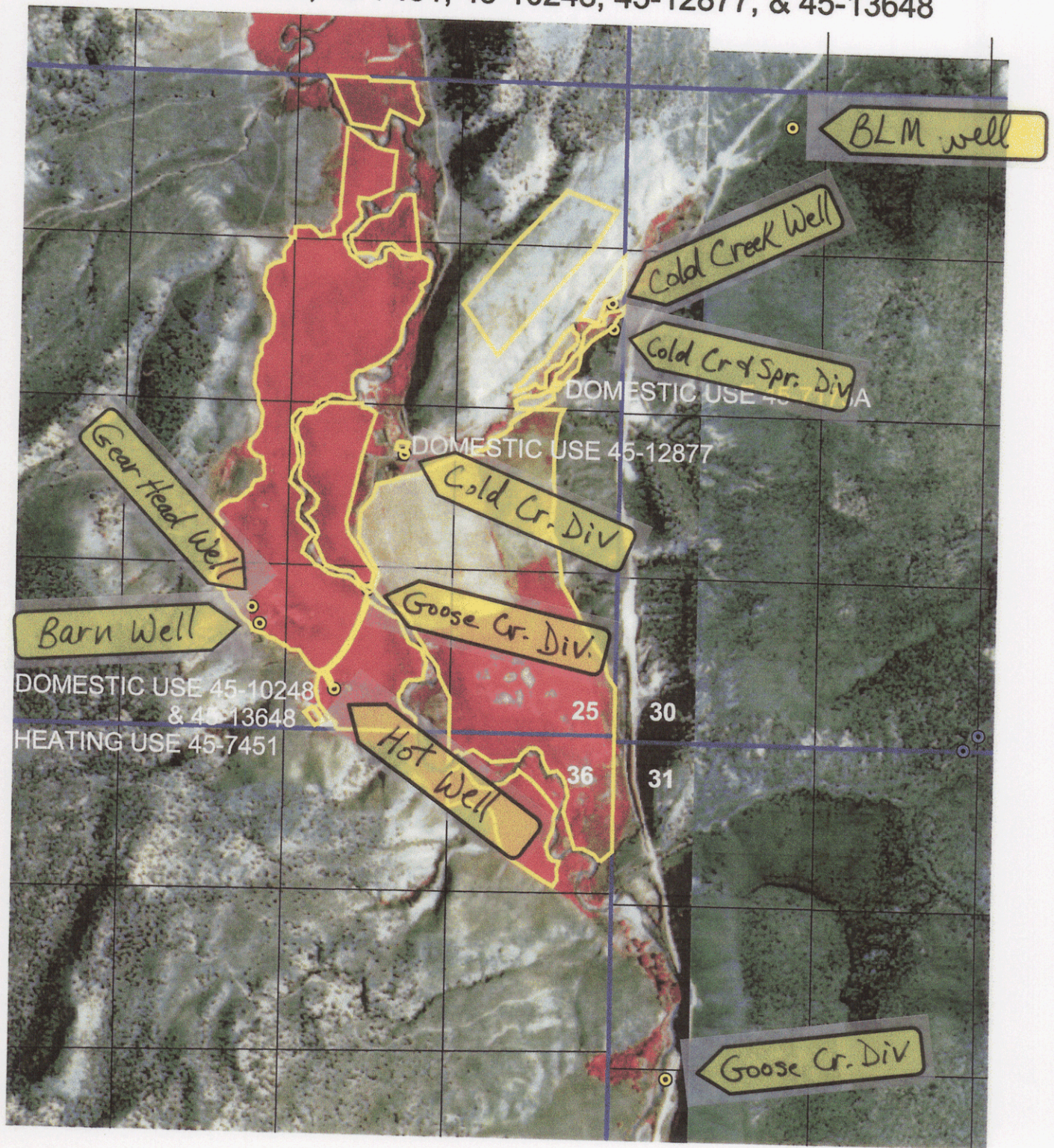
- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

Idaho Department of Water Resources

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

03/31/2004

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: See cover letter

Water right number: 45-12877

BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

RECEIVED
MAY 14 2004
Department of Water Resources
Southern Region

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: 14 May 2004 SIGNATURE: [Signature]
Please print your name: CARL F. AUSTIN

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

03/31/2004

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

RIGHT NUMBER: 45-12877
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: COLD CREEK SPRING
TRIBUTARY: GOOSE CREEK
TRIBUTARY: COLD CREEK

QUANTITY: 0.060 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:
T15S R21E S25 SESENE Within CASSIA County
T15S R21E S25 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T15S R21E S25 NWSE
DOMESTIC Within CASSIA County
T15S R21E S25 NWSE

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: BASIS OF CLAIM - Beneficial Use

03/26/2004

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

RIGHT NUMBER: 45-12877

NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: COLD CREEK
SPRING

TRIBUTARY: GOOSE CREEK
TRIBUTARY: COLD CREEK

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:

T15S R21E S25 SESENE Within CASSIA County
T15S R21E S25 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER
DOMESTIC

PERIOD OF USE

QUANTITY
0.060 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R21E S25 NWSE

DOMESTIC Within CASSIA County

T15S R21E S25 NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION

This partial decree is subject to the definition of the rights of water as may be ultimately determined by the entry of a final decree.

The quantity of water decreed is of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

*is this "spring" separate from
Cold Creek diversion? yes
(but very close in proximity)
- is the Cold Creek diversion
same as 45-151 for
Cold Creek? yes
needs another dot for spring
- place of use same as any
other rights?*

03/26/2004

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

RIGHT NUMBER: 45-12877
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
CARL F AUSTIN
PO BOX 93
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SOURCE: COLD CREEK SPRING
TRIBUTARY: GOOSE CREEK
TRIBUTARY: COLD CREEK

QUANTITY: 0.060 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:
T15S R21E S25 SESENE Within CASSIA County
T15S R21E S25 SESENE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T15S R21E S25 NWSE
DOMESTIC Within CASSIA County
T15S R21E S25 NWSE

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

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EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

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<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562

Priority Date: 07/01/1882

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COLD CREEK SPRING	GOOSE CREEK COLD CREEK				
<u>Beneficial Use</u>					
STOCKWATER		01/01	to 12/31	0.020 CFS	
DOMESTIC		01/01	to 12/31	0.040 CFS	
		<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

COLD CREEK	SE1/4SE1/4NE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
CASSIA County		
SPRING	SE1/4SE1/4NE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S	21E	25														X			

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S	21E	25														X			

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3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

Comments:

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: [REDACTED]
Date Received: 6/ 3/1998
Receipt No: S021198
Received By: SW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARL F AUSTIN 208-436-1562
Address: PO BOX 93
OAKLEY ID 83346

AND/OR

Name: BARBARA V AUSTIN 208-436-1562
Address: PO BOX 93
OAKLEY ID 83346

2. Date of Priority: JUL 1, 1882

3. Source: SPRING Trib. to: COLD CREEK
COLD CREEK GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	21E	25	SE	SE	NE		CASSIA

5. Description of diverting works:
SPRING BOX AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSE; STOCKWATER 100 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	21E	25	NW	SE		DOMEST	
			NW	SE		STOCK	

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): *Carl W. Aust* Date: 3 June 98

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3RD day
of JUNE 19 98

John C. Allen
Notary Public

Seal

Residing at Twin Falls ID
My Commission Expires 12/7/2000

