

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: A73-04105
Date Received: 11/17/1989
Receipt No: M005245
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DICK H. COLEMAN
Address: BOX 5
ELLIS, ID 83235

OR

Name: STARR W. COLEMAN
Address: HC 62 BOX 1002
ELLIS, ID 83235

208-876-4244

2. Date of Priority: JUN 01, 1882

3. Source: SPRINGS

Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	20E	36	NE	SE	NE		LEMHI

5. Description of diverting works:
COLLECTION DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	20E	25	SE	NW		IRR	14.0
			NW	SE		IRR	6.0
			SE	SE		IRR	2.0
			Section Acres				22.0
		36	NE	NE		IRR	8.0
			NE	NE		STOCK	
			SE	NW		STOCK	
			NW	SE		STOCK	
			SE	SE		STOCK	
			Section Acres				8.0
			Total Acres				30.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A73-04104, A73-04106

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Starr W. Calhoun Date: 11/17/89

Date: _____

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of November 19 89
Starr Calhoun
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

IMPORTANT MESSAGE

FOR _____

DATE _____ TIME _____ A.M.
P.M.

M Mrs Russell Mrs

OF _____

PHONE 767-3416
AREA CODE NUMBER EXTENSION

☐ FAX

☐ MOBILE _____
AREA CODE NUMBER TIME TO CALL

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☒	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	RUSH	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE _____

SIGNATURE _____

Post. C. CHANNING
876-4291

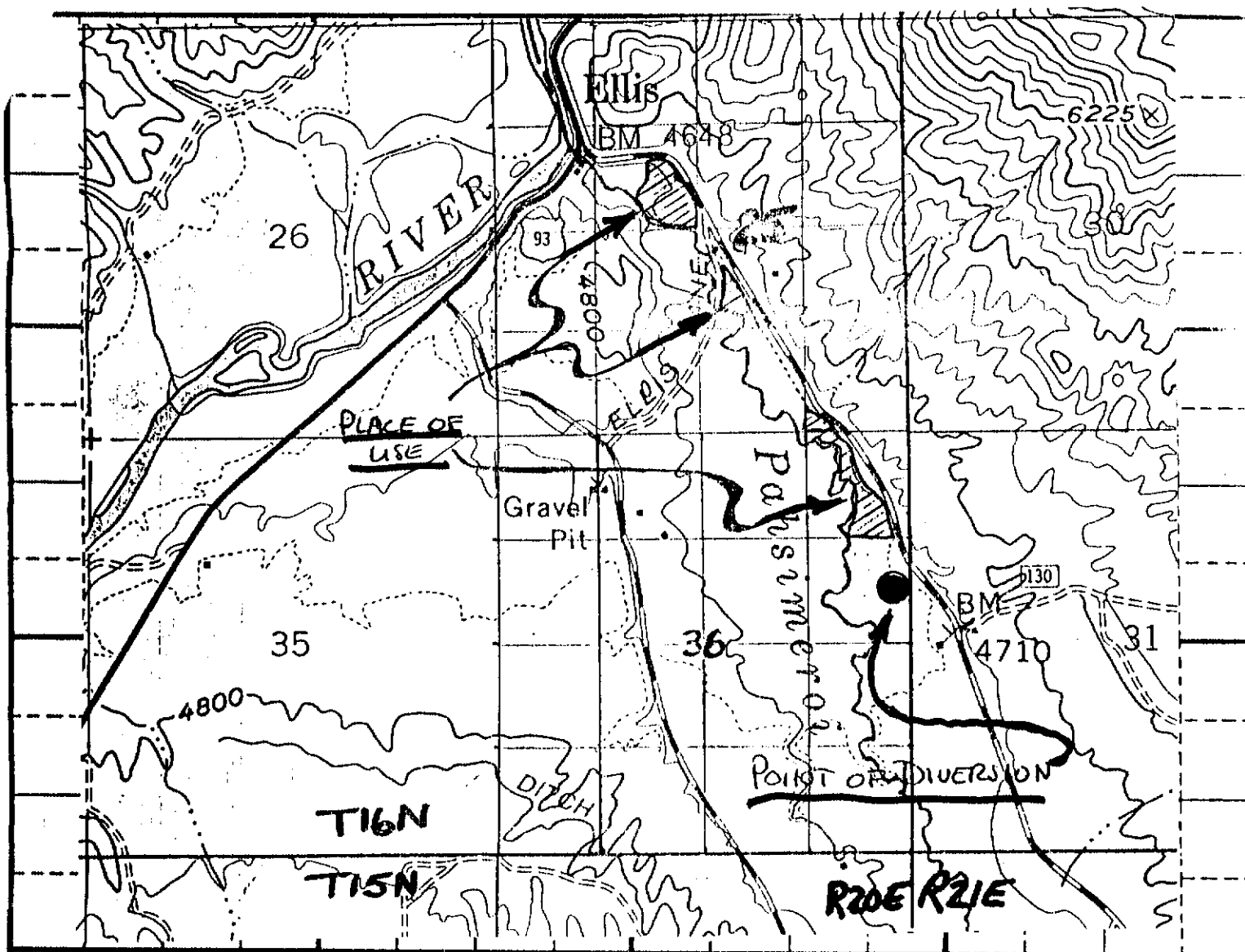
9th C

173-04105

C/O Sent. Cousman

Amendment

2/30/01 Mr. C called - upset that
NOTHING HAS BEEN DONE SINCE TRYON
AND POSTER REVIEWED THE POST/POSTER
ADVISED I WILL REVIEW THE
RICE - IN MEAN TIME ONLY
THE NEW WM MILLS HOUSING
TO SEE IF HE ADMIN
THE PUGIL -
SINCE THE
TOWN
AND

[illegible]

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

County of CUSTER

described the foregoing claim
as true to the best of the

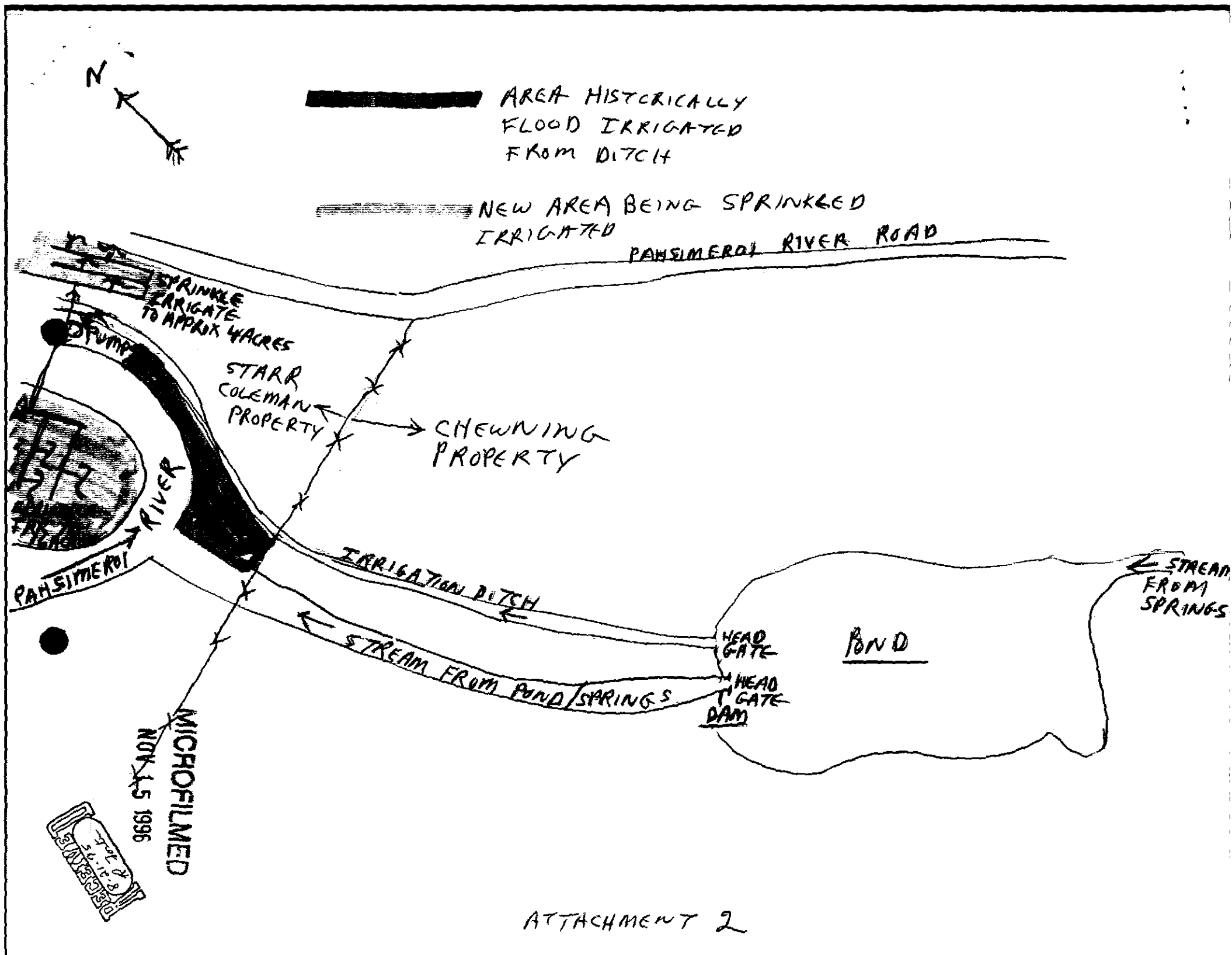
true to the best of the
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Starr W. Clark
 (Claimant)

Sworn to before me this 28 day of June

1985.



ATTACHMENT 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

30 March 2001

Mr. Robert Chewing

~~HC-62 Box 1008~~

Ellis ID 83235

139 PAHSIMOTOI RD

Re: Telecon regarding A73-04105

Dear Robert:

Pursuant to our telecon, this date, I have made a cursory review of the referenced SRBA water right claim. The contents of the file a few; a claim in the names of Dick and Starr Coleman w/ maps (no photos), a copy of your letter to Mr. Foster, and a response to you from Harold Jones of this office.

At this point in time we will proceed as follows:

1. I have enclosed a Notice of Change of Ownership. Complete this form as indicated and return to me with the requested documents, maps, photos, etc. In addition, provide some type of evidence of the priority date claimed (**without this information the claim will be disallowed**).
2. Upon receipt I will make the appropriate ownership changes. You will be notified. Any changes to the original water right will be discussed.
3. In consideration of the documents you will provide I will assess the need of an amendment. Again you will be informed.
4. If an amendment is necessary we will discuss the elements in questions so this process will not need repeating. Any additional acreage will require an additional fee.

As I explained, this adjudication process is very slow. We have not yet begun review of the Basin 73 water right claims. However, I am hopeful that we can resolve your issues, just short of a formal recommendation.

In the meantime, please refer any additional questions or concerns regarding this matter to me. Together we will resolve this matter.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Notice of Change of Water Right Ownership
A73-04105 (copy of file)

5/7/01 CALLED - Spoke w/
Mrs. Chowning. She says
they DID NOT RECORD THIS
Lettor (she thinks).

8/21/01 NO CONTACT. NO FURTHER
RESPONSE FROM MR. CHOWNING,

ABR

MAILED A COPY OF THIS
Lettor w/ another c/o Son.

DM

August 24, 1995

ROBERT W. CHEWNING
HC 62 BOX 1008
ELLIS ID 83235

Mr. Chewning:

I received your August 17, 1995 letter about Mr. Coleman's use of irrigation water and possible expansion. I have discussed this with the Adjudication Supervisor in the Idaho Falls office. Adjudication personnel have the responsibility of field examinations for claims of the type submitted by Mr. Coleman.

A gap in the use pattern of irrigation water as you described happening to the 16 acres in Custer County is not an automatic forfeiture of right. Our field examiners will eventually do an on-site exam and take all information available on irrigation practices and intent before making a recommendation.

A copy of your recent letter will be put in claim file A73-04105 for use by these field examiners.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

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NOV 15 1996



Robert W. Chewning
HC 62 Box 1008
Ellis, Idaho 83235
Tel# (208) 876-4291

17 August 1995

Mr. Robert E. Foster
Idaho Department of Water Resources
206 Van Dreff, Suite B
Salmon, Idaho 83467

Dear Mr. Foster,

In accordance with our recent telephone conversation, this letter constitutes my written complaint concerning Mr. Starr Coleman and his lessee, Mr. Sydney Dowton, pumping from an irrigation ditch fed by springs and a pond on our property to sprinkle irrigate approximately 20 new acres not watered previously for well over five years. Their claim to water in this ditch, filed on 11-17-1989 as A73-04105, is to flood irrigate 30 acres in Lemhi County. See attachment 1. While in fact, they are attempting to irrigate approximately 50 acres, 30 by flooding and 20 by sprinkling, from the ditch feed by our springs starting last year. See rough sketch, attachment 2.

The approximately 20 new acres being sprinkled irrigated consists of about 16 acres in Custer County, across the Pahsimeroi River from the irrigation ditch, and about 4 acres in Lemhi County on the bench above the irrigation ditch. The 16 acres were partially irrigated originally by a ditch leading from the Pahsimeroi River, which collapsed many years ago. The four acres were apparently irrigated originally by a pump from the Pahsimeroi River which ceased well over 5 years ago.

This pumping has placed an undo burden on our property and us as follows:

a) I have been accused of almost burning up their pump because of lost suction due to the pond's level, which I control, and told that I would be held responsible for buying a new pump.

b) They constantly tried to have the pond level higher than the dam will safely accommodate and at a level which causes our pasture to flood. This is to provide a better suction to the pump. This, in spite of the fact, they have not once cleaned the ditch of moss from our pond to the suction of the pump this irrigation season.

c) Their accusations and acts of physical trespassing/destruction have caused us to file an i
tion against them and to litigate, resulting in a court

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order concerning the level of the pond and how it will be maintained. At great expense, we also had the ditch on our property surveyed, improvements made, and mathematical models run to prove that at a certain pond level they would be receiving their claimed 2 CFS to flood irrigate if the ditch is properly maintained and the ditch on their property is configured properly.

d) They have complained several times to the IDWR that we were preventing them from receiving their claimed water rights, resulting in unnecessary investigations and a burden on my time and serenity.

In conclusion, it is our sincere request that you stop this pumping for sprinkle irrigation from the ditch leading from our springs and pond and limit the irrigation from this source to what has historically been the practice. I can assure you that if I were to change the source of the sprinkle irrigation to my hay fields from the Pahsimeroi River to the springs/pond, and add to my consumption from that source over and above our claim for stock water, Mr. Starr Coleman and his lessee would be the first to object.

Thank you for your attention and assistance in this matter.

Sincerely,

Robert W. Chewning
Robert W. Chewning

CC: Mr. John S. McKinney
Attorney at Law

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