

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-121B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF DUBOIS PO BOX 27 DUBOIS, ID 83423 (208)374-5241

Priority Date: 09/10/1892
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
BEAVER CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	04/01	10/31	3.64 CFS		
Total Diversion			3.64 CFS		

Location of Point(s) of Diversion:

BEAVER CREEK	SENWNW Lt	Sec. 21	Township 10N	Range 36E	CLARK County
BEAVER CREEK	SWSNW Lt	Sec. 21	Township 10N	Range 36E	CLARK County
BEAVER CREEK	SWNESW Lt	Sec. 21	Township 10N	Range 36E	CLARK County

Place(s) of use: No POUs found for this right

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. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use PLACE OF USE IS WITHIN THE SERVICE AREA INCLUDING THE CITY LIMITS OF THE CITY OF DUBOIS.

Dates:

Licensed Date:
Claim Received Date: 06/30/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 11/01/1930
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/20/00 10:26:01 AM	ECarlson			In Process
POD	12/20/00 10:36:00 AM	ECarlson			In Process
POU	12/20/00 10:40:29 AM	ECarlson			In Process
Priority Date	12/20/00 10:27:20 AM	ECarlson			In Process
Quantity	12/20/00 10:38:04 AM	ECarlson			In Process
Season	12/20/00 11:02:54 AM	ECarlson			In Process
Source	12/20/00 11:02:52 AM	ECarlson			In Process
Summary	12/20/00 10:44:49 AM		12/20/00 10:44:49 AM	ECarlson	Complete
Use	12/20/00 11:02:53 AM	ECarlson			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Overall Max Diversion Rate: 3.64
 Overall Max Diversion Volume:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	12/20/00 10:25:57 AM	ECarlson	1. Appointment has not been scheduled. Comment for 1: Met with representatives for the city on 12 December 2000.
POD	12/20/00 10:35:58 AM	ECarlson	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: City has historically used 3 diversions to receive water for Beaver Creek 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Visited sites on 12 December, 2000. 8. (NO) Point of Diversion remark was not required. 9. (YES) Point of Diversion condition was required. Edited point location
POD	12/20/00 10:32:56 AM	ECarlson	Edited point location
POD	12/20/00 10:31:18 AM	ECarlson	Edited point location
POD	12/20/00 10:30:04 AM	ECarlson	Edited point location
POU	12/20/00 10:40:28 AM	ECarlson	1. (NO) The POU is not required. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	12/20/00 10:27:18 AM	ECarlson	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date.

Quantity 12/20/00 10:38:02 AM ECarlsen

7. (NO) The basis of claim is not an application or permit.
12. (YES) The claim is recommended.
13. (YES) The claim is coded correctly.
14. (NO) Priority remark was not required.
15. (NO) Priority condition was not required.
1. (NO) The basis of claim is not beneficial use.
2. (NO) The basis of claim is not a posted notice.
3. (YES) The parent right has a diversion rate and/or diversion volume.
4. (NO) The claimed diversion rate and/or volume can not be verified using the water right file.
5. (NO) A flow measurement was not required.
Comment for 5: Water District records reflect delivery for 3.64 cfs of this right.
6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.
7. (NO) The parent right does not have an annual diversion volume limit.
9. (NO) Quantity remark was not required.
10. (NO) Quantity condition was not required.
1. (NO) The basis of claim is not beneficial use.

Season 12/20/00 11:02:53 AM ECarlsen

Source 12/20/00 11:02:49 AM ECarlsen

Summary 12/20/00 10:44:46 AM ECarlsen

1. (NO) The basis is not beneficial use.
1. (NO) The basis of the claim is not beneficial use.
3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (YES) This is a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.
1. (NO) The basis of claim is not beneficial use.

Use 12/20/00 11:02:52 AM ECarlsen

12/20/2000

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

RIGHT NUMBER: 31-121B

NAME AND ADDRESS: CITY OF DUBOIS
PO BOX 27
DUBOIS, ID 83423

SOURCE: BEAVER CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 3.64 CFS

PRIORITY DATE: 09/10/1892

POINT OF DIVERSION:	T10N R36E S21	SENWNW	Within CLARK County
	T10N R36E S21	SWSENW	Within CLARK County
	T10N R36E S21	SWNESW	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04-01 10-31	3.64 CFS

PLACE OF USE:

PLACE OF USE IS WITHIN THE SERVICE AREA INCLUDING THE CITY
LIMITS OF THE CITY OF DUBOIS.

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: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

JUN 13 2000

Department of Water Resources
Eastern RegionIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00121B
Date Received: 6/ 7/2000
Receipt No: E000594
Received By: _____NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW1. Name: CITY OF DUBOIS 208-374-5241
Address: PO BOX 27
DUBOIS ID 83423

2. Date of Priority: SEP 10, 1892

3. Source: BEAVER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	36E	21	SE	NW	NW		CLARK
			SW	SE	NW		CLARK
			SW	NE	SW		CLARK

5. Description of diverting works:
HEADGATES TO DITCHES FOR IRRIGATION WITHIN CITY LIMITS OF DUBOIS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	04/01	11/01	3.640		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	36E	20				MUNI	
		21				MUNI	
		28				MUNI	

A3100121B



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	36E	29			MUNI	
		33			MUNI	

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A31-00043A/07011/10001/10002

14. Remarks:
TRANS. 591, TRANSFERED RIGHT TO THE CITY OF DUBOIS MUNICIPAL USE
DEFINED AS IRRIGATION FOR THIS WATER RIGHT.

15. Basis of Claim: DECREED

Water Right Number: 310121

Case Number: 635

Court :

Decree date: 11/ 1/1930

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT.

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 Organizations:

I do solemnly swear or affirm that I am Mayor of
the City of Dubois, that I have signed the foregoing
document in the space below as Mayor of
the City of Dubois and that the statements contained in the
foregoing document are true and correct.

Keith R. Jewell
Signature of Authorized Agent
Mayor City of Dubois
Title and Organization
6/9/00
Date

State of Idaho)
County of Clark) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of June 20 00

Betty Kirkpatrick
Notary Public



Residing at Dubois, Id.
My Commission Expires 3-27-06

James Laird

1892 - September 10 31-0121 ✓ 4.44 c.f.s.

1894 - May 1 31 ✓ 122 ✓ 2.75 c.f.s.

1910 - May 2 31 123 ✓ 1.6 c.f.s.

Trans. No. 591 - 8/10/1892 - 3.6 c.f.s. - Dubois.

- .80 c.f.s. - GRIVER

TRADE 6031

31-00122 - .95 c.f.s. Laird

31-00122 - .80 c.f.s. Golden Eagle

31-00123 .80 GRIVER
.80 Golden Eagle

Source: Dry Creek (otherwise known as Beaver Creek).

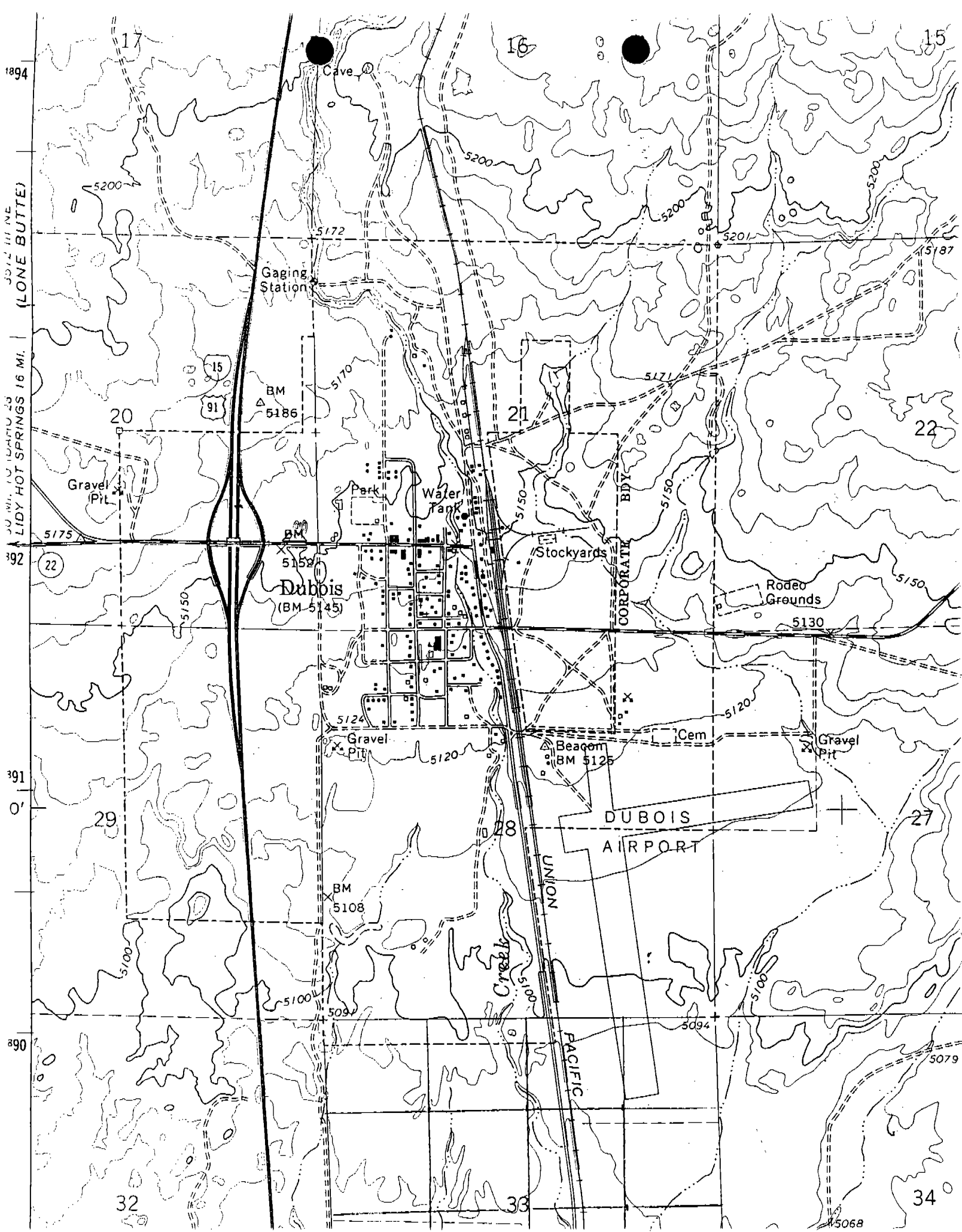
Points of Diversion: (1) A point on the West side of the main channel of Dry Creek about 10 rods South of the Northeast corner of Tract 4 described below. (2) Situate on the West side of the main channel of Dry Creek at a point about 9 rods North of the point where the main East-and-West street of the Village of Dubois crosses said creek, said point being about a half mile North of the North line of Tract 4, described below, and being about the center of the Village of Dubois, and opposite the point where the O.S.L. Railroad Company diverts and pumps water from said stream at this time. (3) Situate on the East side of the main channel of Dry Creek, approximately three-fourths of one mile North of the Northeast corner of Tract 4, described below.

For use on the following described land, to-wit:

Tract 1. The Northwest Quarter of the Northwest Quarter of Section 27, Township 10 North, Range 36 East, E. M.

Tract 2. The Northeast Quarter of the Northeast Quarter of Section 28, township and range aforesaid, containing 40.4 acres.

Tract 3. Commencing at the Southeast corner of Section 28, township and range aforesaid; thence North along the section line to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 28; thence West 1262'; thence South 8°15' East to intersect the South section line of said Section 28; thence East 1009' to the place



RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No E000594

Date: 06/30/88
Time: 13:23:24

Received
From: DUBOIS, CITY OF

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	0410162 9337 6490	\$932.00
Total		\$932.00

CHECK 4372

WR/NO: A31-00121B A31-00043A A31-10001 A31-07011 A31-10002

Idaho Department of Water Resources

Region: Eastern

Signature: *Betty J. Thompson*

City of Dubois
P.O. Box 27
Dubois 83423

CHECK NO. _____
FUND _____
AMOUNT _____
APPROVED: *W. H. H. H.*

RR2
20H