

PLACE OF USE FOR 65-22445
T10N, R01E

12

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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 65-22445
Date Received: 5/17/01
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID SHELTON Phone: (208)584-9333

23000 SECOND FORK RD
OLA ID USA 83657

LEE SELF Phone: (208)584-9333

23000 SECOND FORK RD
OLA ID USA 83657

2. Date of Priority: 05/13/1975

3. Source: KENNEDY CREEK
WHITLOCK GULCH CREEK

Trib. to: SQUAW CREEK
SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	01E	12	NW SW	GEM	
10N	01E	13	NW NW	GEM	

5. Description of diverting works:

Ditch and instream.

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: 200 Range Cattle; 8 Horses

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	01E	12	SW	SW	STOCKWATER	
10N	01E	13	NW	NW	STOCKWATER	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-7527.
Whitlock Gulch is known locally as Sand Creek.

15. Basis of Claim: Beneficial Use

*Staff
mel*

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

**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

A. Subcase 65-22445

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: David Shelton & Lee Self

Address: 23000 Second Fork Rd.
Ola, ID 83657

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

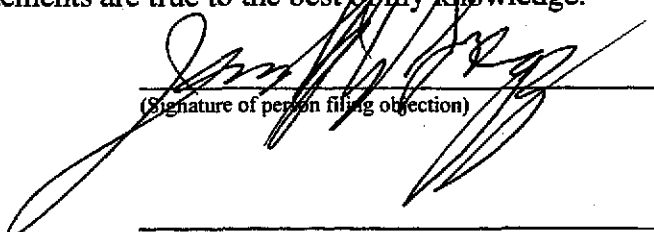
County of Ada

)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

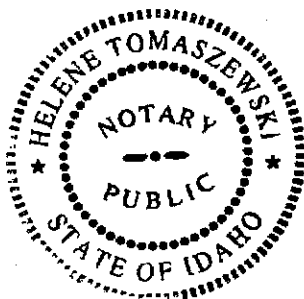
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

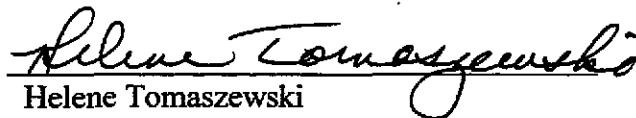

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002





Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: David Shelton & Lee Self

Address: 23000 Second Fork Rd.
Ola, ID 83657

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

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

RIGHT NUMBER: 65-22445

NAME AND ADDRESS: LEE SELF
DAVID SHELTON
23000 SECOND FORK RD
OLA, ID 83657

SOURCE: KENNEDY CREEK TRIBUTARY: SQUAW CREEK
WHITLOCK GULCH CREEK SQUAW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHT NO. 65-7527 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .40 CFS.

PRIORITY DATE: 05/13/1975

POINT OF DIVERSION: T10N R01E S12 NWSW Within GEM County
T10N R01E S13 NWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

STOCKWATER Within GEM County
T10N R01E S12 SWSW T10N R01E S13 NWNW

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 - Decreed

WHITLOCK GULCH IS ALSO KNOWN LOCALLY AS SAND CREEK.
STOCKWATER, 200 RANGE CATTLE & 8 HORSES

ASSOCIATED WITH 65-7527

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 65-22445

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEE SELF
Current Owner	DAVID SHELTON
	23000 SECOND FORK RD
	OLA, ID 83657
	(208)584-9333

Priority Date: 05/13/1975
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary to</u>
KENNEDY CREEK	SQUAW CREEK
WHITLOCK GULCH CREEK	SQUAW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.02 CFS		
Total Diversion			0.02 CFS		

Location of Point(s) of Diversion:

KENNEDY CREEK	NWSW	Sec. 12	Township 10N	Range 01E	GEM County
WHITLOCK GULCH CREEK	NWNW	Sec. 13	Township 10N	Range 01E	GEM County

STOCKWATER Use:
Number of other uses: 200 Range Cattle; 8 Horses

Place(s) of use:

Place of Use Legal Description: STOCKWATER GEM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	01E	12		SWSW										
		13		NWNW										

Remarks:

1. This claim is based on right no. 65-7527.
Whitlock Gulch is known locally as Sand Creek.

- EXP-B01

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

C18 + N11 + N13 + A15 + E01
EXP-

Other Information:

Receipt Number(s):
State or Federal:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-7527

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEE SELF
Current Owner	DAVID SHELTON
	23000 SECOND FORK RD
	OLA, ID 83657
	(208)584-9333

Original Owner	PERRY C SUTTON
	OLA, ID 83657

Original Owner	LARRY SUTTON
	PO BOX 2
	OLA, ID 83657

Priority Date:	05/13/1975
Basis:	License
Status:	Active

<u>Source</u>	<u>Tributary to</u>
WHITLOCK GULCH CREEK	SQUAW CREEK
KENNEDY CREEK	SQUAW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.4 CFS	70 AFA	
Total Diversion			0.4 CFS	70 AFA	

Location of Point(s) of Diversion:

KENNEDY CREEK	NWSW	Sec. 12	Township 10N	Range 01E	GEM County
WHITLOCK GULCH CREEK	NWNW	Sec. 13	Township 10N	Range 01E	GEM County

IRRIGATION Use:
Acre Limit: 20

Place(s) of use:

Place of Use	Legal Description: IRRIGATION	GEM County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	01E	12		SWSW	2									
		13		NWNW	18									

Total Acres: 20

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. W19 USE OF THIS RIGHT IS COMBINED WITH WATER FROM SQUAW CREEK IRRIGATION DISTRICT.

Remarks:

1. Explanatory WHITLOCK GULCH IS ALSO KNOWN AS SAND CREEK.

Dates:

Licensed Date: 07/14/1989
Claim Received Date: 02/02/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): X999999
State or Federal: S
Owner Name Connector:
Water District Number:
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:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



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

MAY 17 2001
WATER RESOURCES
WESTERN REGION

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AL65-22445
Date Received 5-17-01
Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) DAVID SHELTON OR LEE SELF Phone (208) 584-9333
Mailing Address 23000 2nd FORK RD. OLA, ID. Zip 83657
2. Date of Priority (Only one per claim) 05/13/1975 Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other ☒ (a) KENNEDY CREEK
WHITLOCK GULCH CREEK
which is tributary to (b) SQUAW CREEK Name or kind of source
4. Location of point of diversion is: Township 10N Range 01E
Section 12 NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of GEM
Additional points of diversion if any: 10N 01E 13 NW NW GEM Co.
5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. DITCH AND IN STREAM
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For STOCKWATER purposes from 1/1 to 12/31 amount 0.02 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed 0.02 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 200 CATTLE AND 8 HORSES

10. Place of use is: Township: 10N Range 01E

Section 12 SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of GEM for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any 10N 01E 13 NW NW GEM CO.

11. In which county (ies) are lands listed above as place of use located? GEM

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: 65-7527

WHITLOCK GULCH IN KNOWN LOCALLY AS SAND CREEK

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Dave Sutton Date 5/15/2001

Lee Seef Date 05/15/01

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____ that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of _____) SS.

Subscribed and sworn (affirmed) before me this 15th day of May 2001

Notary Public Dorothy L. Rudd

Residing at Wilden Id

My Commission Expires 03/06

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

