

INTER-DEPARTMENT MEMO

TO: Mst H Anders, IDWR

SUBJECT: Gwinn Rice Ranch Water

FROM: Cindy Robertson, IDFG

DATE: 17 January 2006

Mst H: I have enclosed copies of the letter and attachments that I sent to Doug Jones in April 2005. I have also included a copy of a map showing approximate POD's for 37-4049 and 37-4061, but I'm not sure if the crosshatching showing POU's is really decipherable. I think the horizontal cross-hatching is associated with the POU for 37-4061 and the vertical cross-hatching near the POD for 37-4049 is associated with the POU for that right as well. I asked our lands folks for a "better" map, and they didn't have one. Let me know if I can provide any additional information.

☒ For your information

☐ Response required

Cindy Robertson
signature



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, Idaho 83707-0025

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

April 18, 2005

Mr. Douglas Jones, P.E.
Water Rights Supervisor
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

RE: Water right claims 37-4061 and 37-20820 (split from 37-4049)

Dear Mr. Jones:

I have attached notarized affidavits from the previous water right owner (Gwinn Rice Ranch, Inc.) as to the priority date and use of the above water rights. Mrs. Lena Rice and Mr. James Rice provided these affidavits in February 2002 when the Idaho Department of Fish and Game acquired the property from Gwinn Rice Ranch, Inc. Their affidavits did not include mention of the quantity of water associated with either claim. I have also attached handwritten records obtained from Mr. James Rice as to the amount of hay produced from the lands irrigated by the above water rights for the years 1986, 1988, 1989, 1993, and 1995-1997.

If you have further questions or information needs, please contact me at 287-2715 or Mike McDonald in our Jerome office at 324-4359.

Sincerely,

Cindy Robertson
Staff Biologist

cc: Mike McDonald, Magic Valley Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

37-4061
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

APR 18 2005

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

37-20820
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4061

WATER RIGHT NUMBER: 37-4061

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GWINN RICE RANCH INC PO BOX 131 HILL CITY, ID 83337 (208)764-2593
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-2920

Priority Date: 06/01/1912

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
CAMAS CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	20.000 CFS	
	<u>Total Diversion:</u>	20.000 CFS	

Location of Point(s) of Diversion

CAMAS CREEK	SE1/4SE1/4	Sec. 1, Twp 02S, Rge 11E, B.M.
ELMORE County		
CAMAS CREEK	NE1/4SE1/4	Sec. 1, Twp 02S, Rge 11E, B.M.
ELMORE County		

Place of UseIRRIGATION Within CAMAS County

T02S R11E S01	NESE	40.0	T02S R11E S01	NWSE	40.0
T02S R11E S01	SWSE	40.0	T02S R11E S01	SESE	40.0
T02S R12E S05 Lot 1	NENE	28.0	T02S R12E S05 Lot 2	NWNE	30.0
T02S R12E S05	SWNE	40.0	T02S R12E S05	SENE	40.0
T02S R12E S05 Lot 3	NENW	33.0	T02S R12E S05 Lot 4	NWNW	34.0
T02S R12E S05	SWNW	40.0	T02S R12E S05	SENE	40.0
T02S R12E S05	NWSW	40.0	T02S R12E S05	SWSW	40.0
T02S R12E S06 Lot 1	NENE	33.0	T02S R12E S06 Lot 2	NWNE	20.0
T02S R12E S06	SWNE	40.0	T02S R12E S06	SENE	40.0
T02S R12E S06 Lot 5	SWNW	10.0	T02S R12E S06	SENE	38.0
T02S R12E S06	NESW	40.0	T02S R12E S06 Lot 6	NWSW	40.0
T02S R12E S06 Lot 7	SWSW	40.0	T02S R12E S06	SESW	40.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4061

T02S R12E S06	NESE	40.0	T02S R12E S06	NWSE	40.0
T02S R12E S06	SWSE	40.0	T02S R12E S06	SESE	40.0

Total Acres: 1026

Conditions of Approval:

Remarks:

1. General PLACE OF USE LOCATED IN CAMAS AND ELMORE COUNTIES

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20820

WATER RIGHT NUMBER: 37-20820

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GWINN RICE RANCH INC PO BOX 131 HILL CITY, ID 83337 (208)764-2593
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-2920

Priority Date: 04/15/1917

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.030 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4NE1/4	Sec. 1, Twp 02S, Rge 11E, B.M.
ELMORE County		

Place of UseIRRIGATION Within CAMAS County

T02S R12E S06 SWNW 5.0

Total Acres: 5

STOCKWATER Within ELMORE County

T02S R11E S01	NESE	T02S R11E S01	NWSE
T02S R11E S01	SWSE	T02S R11E S01	SESE

Conditions of Approval:Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-4049.

Comments:

AFFIDAVIT

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO
A37-4049

State of Idaho

County of ~~Elmore~~ Ada

I, Lena M. Rice, state from my personal knowledge that the water identified in claim no. A37-4049 has been diverted from a spring located at T02S R11E SEC01, NWNE and used for irrigation and stockwater since 4/15/1939 on the following lands: T02 R11E SEC 01 NWNE, SWNE, SENE; SE ¼ ; and T02S R12E SEC06 SWNW. The water is used to irrigate approximately 45 acres and provide stockwater for approximately 500 cow-calf pairs.

Lena M. Rice

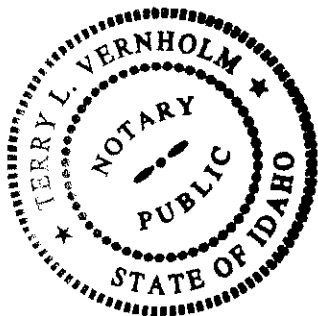
Subscribed and sworn to before me this day

25th of February, 2002.

Terry L. Vernholm

Residing at Emmett, ID

My Commission Expires 8-15-05



AFFIDAVIT

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO
A37-4061

State of Idaho

County of ~~Elmore~~ Ada

I, Lena N. Rice, state from my personal knowledge that the water identified in claim no. A37-4061 has been diverted from Camas Creek at two points T02S R11E SEC01, NESE and SESE and used for irrigation since 6/01/1939 on the following lands: T02S R11E SEC01 SE ¼; T02S R12E SEC05 NE ¼; NW ¼; NWSW; and SWSW; T02S R12E SEC06 NE ¼; SW ¼; SE ¼; SWNW; and SENW. The water is used to irrigate 1026 acres and produced between 150 and 2200 tons of hay between 1939 and 1999.

Lena N. Rice

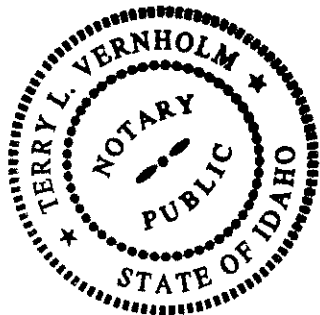
Subscribed and sworn before me this day

25th of February, 2002.

Terry L. Vernholm

Residing at Emmett, ID.

My Commission Expires 8-15-05.



AFFIDAVIT

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO
A37-4049

State of Idaho

County of ~~Elmore~~ Ada

I, JAMES E. RICE, state from my personal knowledge that the water identified in claim no. A37-4049 has been diverted from a spring located at T02S R11E SEC01, NWNE and used for irrigation and stockwater since 4/15/1955 on the following lands: T02 R11E SEC 01 NWNE, SWNE, SENE; SE ¼ ; and T02S R12E SEC06 SWNW. The water is used to irrigate approximately 45 acres and provide stockwater for approximately 500 cow-calf pairs.

x James E. Rice

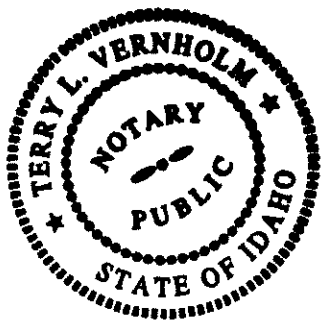
Subscribed and sworn to before me this day

25th of February, 2002.

Terry L. Vernholm

Residing at Emmett, ID.

My Commission Expires 8-15-05.



AFFIDAVIT

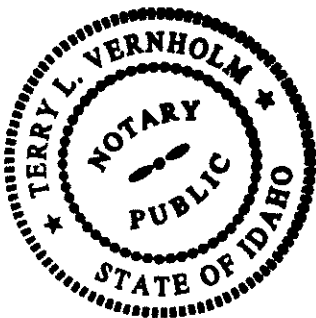
IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO
A37-4061

State of Idaho

County of ~~Elmore~~ Ada

I, JAMES E. RICE, state from my personal knowledge that the water identified in claim no. A37-4061 has been diverted from Camas Creek at two points T02S R11E SEC01, NESE and SESE and used for irrigation since 6/01/1955 on the following lands: T02S R11E SEC01 SE ¼; T02S R12E SEC05 NE ¼; NW ¼; NWSW; and SWSW; T02S R12E SEC06 NE ¼; SW ¼; SE ¼; SWNW; and SENW. The water is used to irrigate 1026 acres and produced between 150 and 2200 tons of hay between 1955 and 1999.

x James E. Rice



Subscribed and sworn before me this day

25th of February, 2002.

Terry L. Vernholm

Residing at Emmett ID.

My Commission Expires 8-15-05

JOE ARTTACH
MEADOW HAY
1997

TICKET #	TON
3711	18.98
3719	12.10
4049	30.64
4050	29.93
4070	30.95
4071	31.31
4082	31.41
4083	32.18
4105	33.81
4106	28.76
4143	<u>29.00</u>
	309.07 TON

STATES LAND
MEADOW HAY
1996

TICKET #

TONS

BA

3183

20.25

3185

23.94

3188

24.93

3201

24.25

3205

24.29

3227

22.41

3230

21.82

3233

22.82

3240

22.16

3241

22.34

3242

24.74

3259

25.35

3260

23.95

3261

27.47

3262

26.21

3264

23.71

3265

25.64

3266

26.32

3267

26.96

3268

26.95

3269

26.79

3270

26.22

3276

28.08

3280

28.48

3282

25.78

3283

25.08

646.94 TON

JOE
HUBER
1996
MEADOW
HAY

4 • 18 +
24 • 74 +
25 • 35 +
23 • 95 +
27 • 47 +
26 • 21 +
23 • 71 +
25 • 64 +
26 • 32 +
26 • 96 +
26 • 95 +
26 • 79 +
26 • 22 +
28 • 08 +
28 • 48 +
25 • 78 +
25 • 08 +
16 • 06 +
15 • 61 +
15 • 41 +
15 • 91 +
17 • 13 +
11 • 42 +

23

513 • 45 * TON

1996
BILL IRELAND
GRASS HAY

#	3372	16.92+	TON
#	3371	17.13+	"
#	3364	15.91+	"
#	3346	15.41+	"
#	3337	15.61+	"
		<u>80.98X</u>	TOTAL TONS

513.45

646.94

1241.37 TONS TOTAL FOR 1996

MEADOW HAY 1995

RICE & HUBER

BALES	WEIGHT
40	26.36
40	26.22
40	26.62
40	26.13
40	27.48
40	26.78
40	28.38
40	27.73
40	28.26
40	28.66
40	28.53
40	27.00
40	26.70
40	27.74
40	27.51
40	26.61
40	26.36
40	25.60
38	23.47
24	14.78
8	5.40
8	4.78
8	5.06
306	542.16 TON.

1993

Bob Krucker
Jerome
Grass Hay
Meadow Hay

Truck	Date	No.	Gross	Tare	Net	Field	Payments
Scott Jackson Truck	7/18/93	10163	58360	27300	31060	Meadow	
Trailer	7/18/93	"	25880	6720	19160	25.11 T	
					(50220)	"	
Scott Jackson Truck #15	7/18/93	10164	63800	28800	35000		
Trailer	7/18/93	10164	29140	6960	22180	28.59 T	
					(57180)	"	
Scott Jackson Truck #18	7/18/93	10165	62040	30140	31900		
Trailer	7/18/93	10165	27160	7420	19740	25.82 T	
					(51640)	"	
Scott Jackson Truck #15	7/19/93	10171	55980	28620	27360		
Trailer #15	7/19/93	10171	26480	7020	19460	23.41 T	
					(46820)	"	
Scott Jackson #15 Truck	7/19/93	10176	56080	28380	27640		
Trailer	7/19/93	10176	25980	6980	19000	23.32 T	
					(46640)	"	
Scott Jackson #15 Truck	7/20/93	10178	56760	29600	27160		
Trailer	7/20/93	10178	26020	7000	19020	23.09 T	
					(46180)	"	
Scott Jackson in Blakely	7/30/93	10213	50380	26580	23800		
Trailer	7/30/93	10213	23880	7160	16720	20.26 T	
					(40520)	"	
Scott Jackson Rick Brown	7/30/93	10214	52260	28640	23620		
Trailer	7/30/93	10214	23100	7000	16100	"	
					(39720)	19.86	
Scott Jackson Rick Brown	8/2/93	10223	50280	27820	22460	"	
Trailer	8/2/93	10223	23440	7060	16380	19.42 T	
					(38840)		
Scott Jackson Ken #15	8/2/93	10224	54720	31460	23260	"	
Trailer	8/2/93	10224	23660	7420	16240	19.75 T	
					(39500)		
						457260 #	
						228.63 T	

Truck	Date	No.	Gross	Tare	Net	Field	Payments
Scott Jackson Rick Brown	8/6/93	10225	52300	28920	23380	Meadow	
Trailer	8/6/93	10225	23340	7060	16280	19.83T	
					(39660)		
Scott Jackson	8/11/93						
#15 Truck	8/10/93	10313	57980	31480	26500	meadow	
#15 Trailer	8/10/93	10313	24780	7440	17340	36 bales	
					(43840)	21.92 Tons	
#15 Truck	8/11/93	10317	56940	31240	25700	meadow	
#15 Trailer	8/11/93	10317	24360	7500	16860	36 bales	
					(42560)	21.28	
						meadow	
#15 Truck	8/14/93	10322	56820	31040	25780		
#15 Trailer	8/14/93	10322	24560	7520	17040	36 bales	
					(42820)	21.41	168,880 - 84,44T
		10342					
		10342					
Scott Jackson	8/12/93					meadow	
#15 Truck	8/12/93	10342	57700	32180	25520	36 bales	
#15 Trailer	8/12/93	10342	23940	7420	16520	21.02T	
					(42040)	meadow	
Scott Jackson	8/13/93					36 Bales	
#15 Truck	8/13/93	10348	59180	31680	27500		
#15 Trailer	8/13/93	10348	23740	7460	16280	21.89T	
					(43780)		
Scott Jackson	8/13/93						
#15 Truck	8/13/93	10352	57300	31520	25780	36 bales	
#15 Trailer	8/13/93	10352	23920	7400	16520		
					(42300)	21.15T	
Scott Jackson	8/13/93						
#15 Truck	8/13/93	10356	57820	31280	26540		
#15 Trailer	8/13/93	10356	24000	7460	16540	36 bales	
					(43080)	21.54T	170.04T + 228.63T =
						This pg. 340,080	398.67
						Both Pages 797,340	

Truck	Date	No.	Gross	Tare	Net	field	Payments
Jackson #15 Truck	8/4/93	10361	56640	31020	25620	36 bales	
#15 Trailer	8/14/93	10361	24260	7460	16800		
					(42720)	21.20T	
Jackson #15 Truck	8/14/93	10362	66620	30820	35800		
#15 Trailer	8/14/93	10362	23360	7460	15900	41 bales	
					(51700)	25.85T	445.73T

	A	B	C	D	E	F
1						
2		A. SCOTT JACKSON TRUCKING				
3		P. O. BOX 56				
4		JEROME, IDAHO 83338				
5		Office	Home		Mobile	
6		208/324-3004 or 324-7230			536-6625 Ext 1068	
7					or 733-0045 Ext. 1139	
8						
9						

10		
11	Jim Rice	
12		
13	Hill City, Idaho 83337	
14		
15		

	Date	Field/Stk	Bales	Wgt Tkt	Lading #	Weight
16						
17						
18	7/18/89	GrassHay	448	2344-45	2744	54590
19	8/23/89	GrassHay	476	4785-86	3022	56820
20	8/23/89	GrassHay	476	4796-97	3023	56200
21	8/23/89	GrassHay	616	4787-88	2936	68550
22	8/24/89	GrassHay	580	4841-42	2937	63750
23	8/24/89	GrassHay	580	4827-28	2938	63880
24	8/24/89	GrassHay	448	4845-46	3013	49760
25	8/24/89	GrassHay	476	4816-17	3017	48000
26	8/24/89	GrassHay	448	4824-25	3019	51480
27	8/24/89	GrassHay	474	4843-44	3024	51250
28	8/25/89	GrassHay	392	4855-56	2939	45500
29	8/25/89	GrassHay	448	4851-52	3067	51640
30						
31		Totals	5862			661420
32						

33	<u>Recap:</u>
34	330.71 Tns Grass Hay &
35	

	A	B	C	D	E	F
161		A. SCOTT JACKSON TRUCKING				
162		P. O. BOX 56				
163		JEROME, IDAHO 83338				
164						
165						
166						
167		2ND CROP GRASS HAY FROM RICE TO LONGVIEW				
168						
169	Date	Field/Stk	Bales	Wgt Tkt	Lading #	Weight
170						
171	7/30/88	GrassHay	504	1822-23	1895	60630
172	7/30/88	GrassHay	572	1830-31	1756	63890
173	7/30/88	GrassHay	604	1832-33	1878	64140
174	8/1/88	GrassHay	384	1899	1914	45170
175	8/5/88	GrassHay	536	1900-01	1903	60430
176	8/5/88	GrassHay	560	1902-03	1931	64840
177						
178		Totals	3160			359100
179						
180		179.57 Tons (				

Long View Quarry

1986	From	Deliv	Receiving	Carried	1976	1978	Total
8/7 86	Race	581	1344			60430	60430 ✓
8/10	"		1641			59920	59920 ✓
9/5	"	552	1719			59910	59910 ✓
9/6	"	530	4720			59790	59790 ✓
9/8	"	530	1721			61180	61180 ✓
	"	530	1722			62490	62490 ✓
9/10	"	522	1723			60180	60180 ✓
9/11	"	560	1364			64070	64070 ✓
	"	551	1365			65140	65140 ✓
9/12	"	560	1366			63020	63020 ✓
9/15	"	552	1485	57390			57390 ✓
9/16	"	552	1486	52970			52970 ✓
9/11	"	550	1491	59550			59550 ✓
9/12	"	550	1492	62370			62370 ✓
9/13	"	552	1493	60110			60110 ✓
9/13	"	550	1494	56230			56230 ✓
9/17	"	504	1370			52560	52560 ✓
9/18	"	504	1371			52100	52100 ✓
9/19	"		1372			36750	36750 ✓
		9843			348620	755580	1104200

174.31

377.79 T 552.10 Ton

32-9049

x Pod

36 | 31
1 | 6

32

14 735

20 | 32 | 33
6.4 | 5 | 4

37-285
Place of Div

6 | 5

37-2694

Place of Div

37-4061

ELMORE

CANVAS

37-7286
Place of Div
Place of Use

14
838.6

6 | 5

37-2694
Place of Div

Place of Use

5 | 4
8 | 9

1 68.1
55.6

2 68.4
60.0

3 60.8

IDAHO

4