

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 67-14877
Date Received: 6/8/2007
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 05 2007

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

EUNICE MADSEN Phone: (208) 253-4815
2073 N GALENA RD
COUNCIL ID USA 83612

OR

CHESTER LEO MADSEN Phone: (208) 253-4815
2073 N GALENA RD
COUNCIL ID USA 83612

OR

KEVIN ANDREW MADSEN Phone: 208-253-4815
2073 N GALENA RD
COUNCIL ID USA 83612

2. Date of Priority: 03/15/1961

3. Source: WASTE WATER
East Fork Weiser River
Mill Creek

Trib. to: Grossen Creek
Weiser River
Weiser River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4	of 1/4 Lot	County	Type
16N	01W	10	SW	NE	ADAMS	
16N	01W	10	SW	NE	ADAMS	
16N	01W	10	SW	NE	ADAMS	
16N	01W	10	SW	NE	ADAMS	
16N	01W	10	SW	NE	ADAMS	
16N	01W	11	SE	NW	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
03/15 11/15 0.15

(or) A.F.A

IRRIGATION STORAGE	01/01 12/31	
IRRIGATION FROM STORAGE	03/15 11/15	0.15
STOCKWATER	01/01 12/31	0.02
STOCKWATER STORAGE	01/01 12/31	0.02
STOCKWATER FROM STORAGE	01/01 12/31	0.02
WILDLIFE	01/01 12/31	0.15
FISH PROPAGATION	01/01 12/31	0.15
GROUND WATER RECHARGE	01/01 12/31	0.15
DOMESTIC	03/15 11/15	0.02
RECREATION	01/01 12/31	0.15
AESTHETIC	01/01 12/31	0.15

AF &
1.48
0.23

7. Total Quantity Appropriated is:
0.15 C.F.S. and/or 3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Stock is for 30 head. Domestic use is external only.

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	10	SW	NE	IRRIGATION	23
					Section Acres	23
					Total Acres	23

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

67-11491 and 18 shares in Sorenson Rinehart ditch co

14. Remarks:

See information packet sent with original motion to file a late claim.

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.

*A.F. of upper pond 1.21 A.F. and lower pond 0.5 AF total 1.71 AF

Number of attachments: 3

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): Kevan A. Nelson Date: Oct 4, 2007

Date: _____

State of Idaho)
County of Adams) SS.

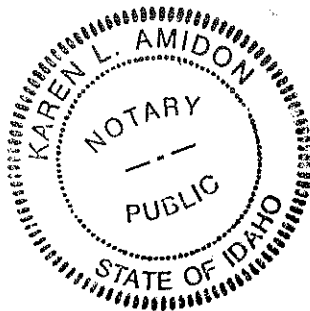
Subscribed and sworn (or affirmed) before me this 4th

of October 2007

Karen L. Amidon
Notary Public

Residing at Cambridge, NH

My commission Expires 6.26.2009



Oct 4th, 2007

CERTIFICATE OF MAILING

I certify that on June 21st 2007 ^{KAR} ~~199~~, I mailed the original and copies of this form, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Kevin A. Madsen ^{10/4/07}
Kevin A. Madsen
Signature of person or attorney mailing the form

Respectfully, this is my response to notes by Craig L. Saxton, 9/20/07, regarding claimed sources:

Sorry to make this so confusing but it is not a straight forth issue as waters are use in conjunction each other, what is percentage of waste water in a ditch varies.

I agree this is actually is a waste water claim for 7.5 inches of waste water. There are several locations we collect waste waters. 5 on **closeup map** and all 6 on **overview map**

First, the Sorenson Rhinehart ditch /Grossen creek functions like East Fork of W/Mill Creek.

In the first case, Grossen creek waters (flood) (1) are used prior to Sorenson Rhinehart ditch being turned on (mainly due to snow in ditch and road to ditch). As weather requires/permits Sorenson Rhinehart ditch is turned on and on the north lateral ran into Grossen creek, they "commingle". The diversion is below the "commingling" point. Grossen creek tends to provide less and less to the percentage of the commingled water as the season progresses but it depends of course on temperature and snowpacks.

In the second case, Mill Creek (flood) waters are used prior to East Fork of the Weiser ditch being turned on (mainly due to snow on road and in ditch). As weather requires/permits East Fork ditch is turned on and East Fork water "commingles" with Mill Creek water.

- 1) Directly east of the county road near Cd3 (just east of the NE edge of our property) is a field of a neighbor that is flood irrigated and waste water is collected in our ditch on the east side of the county road. Plus water runs westward subsurface under the county road at a shallow depth to sub irrigate our property and replenish our upper pond.
- 2) Waste water and /or Sorenson Rhinehart water is pumped out of ditch on the North East corner of our property to water lawn and garden near Pd1.
- 3) Waste water comes down the drainage in the SE part of our property, Cd4, and supplements water we divert from Cd1 to go to Cd4.
- 4) Waste water and/or water we divert from Cd1 are diverted into a pond located on the NW corner of our property Cd5. This use is for stock and irrigation water.
- 5) Waste water and /or Sorenson Rhinehart water is diverted at Cd1.

6) Plus since the South East Fork Ditch runs above or POD at Grossen Creek and actually runs through a pipe over Grossen creek see overview map. Our ditch captures water the seeps from South East Fork of the Weiser Ditch.

Before we divert water at Cd1 it is a combination of North Lateral of Sorenson Rhinehart (cottonwood)/Grossen creek, East Fork/Mill Creek, and waste waters. The percentages change with the year and part of the season.

As below Cd1 both us and the property to the north allow water to go past Cd1 and Pd1 to take out irrigate lands to the west that would not be "waste water".

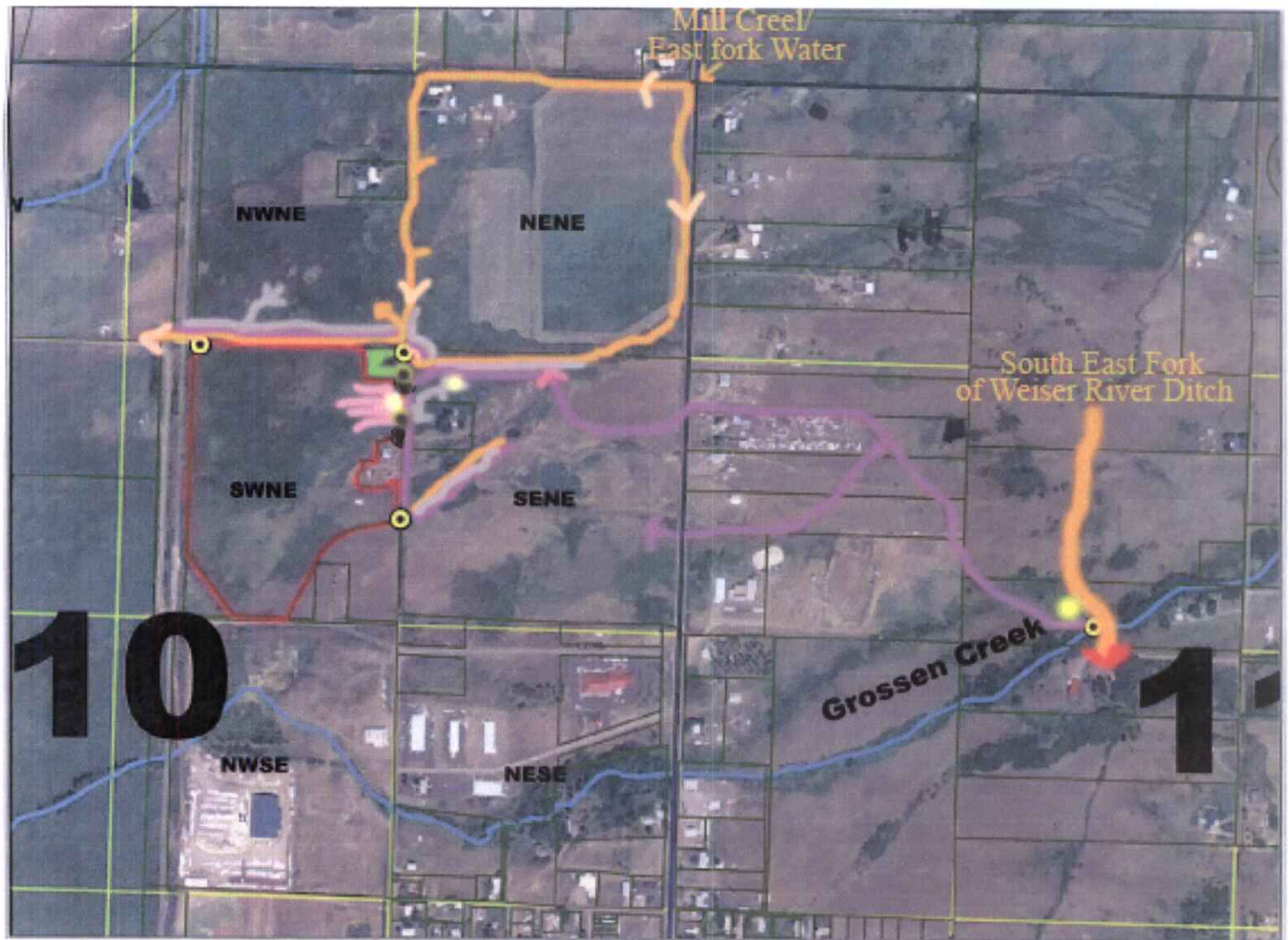
Our tract had 7.5 miner inches of deeded water right from the early 1900s until March 29, 1933 and it was diverter at location OMDd. Since then we have been using waste waters from flood irrigation and 18 inches from combination of North Lateral of Sorenson Rhinehart /Grossen creek water. To retain the status quo we ask that we be granted waste water rights based on the use of waters since 1961.

Storage upper pond 1.21 A.F., lower pond 0.5 A.F. **Madsen 67-14877**



State Of Idaho

Overview Map **67-14877**
Madsen



1320 0 1320 2640 Feet

- Point of Diversion(s)
- Adams County Tax Lot
- Existing Place of Use
- N/A
- Sections
- Quarter Quarter
- 6 waste water Point of diversion

- Irrigated by water pump from waste water ditch
- South Branch of East Fork ditch
- East Fork/Mill Creek water
- Sorenson Rhinehart/Grossen Creek water
- Waste Water from combination of sources
- Subirrigation Water from flood irrigation



Additions by: Kevin Madsen
Oct. 2007

Prepared by: Craig L. Saxton
Date: September 20, 2007