

RECEIVED
OCT 23 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 19 2007	
By _____	Clerk
_____	Deputy Clerk

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

) Subcase: 67-14877

Case No. 39576

)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)

On June 22, 2007, Chester L. Madsen, Kevin A. Madsen and Eunice E. Madsen filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on October 16, 2007. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated Oct. 18, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on October 19, 2007, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CHESTER L MADSEN
EUNICE E MADSEN
KEVIN ANDREW MADSEN
2073 N GALENA RD
COUNCIL, ID 83612
Phone: 208-253-4815

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

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: C085164
Received By: amb

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

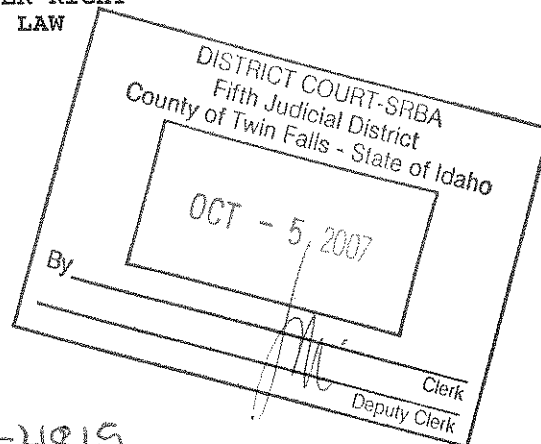
EUNICE MADSEN Phone: (208) 253-4815
2073 N GALENA RD
COUNCIL ID USA 83612

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	1
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.

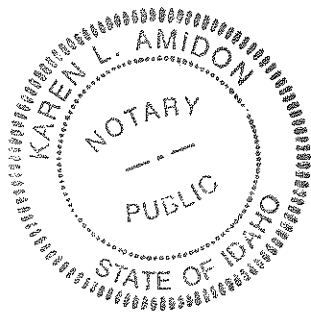
Signature of Claimant(s): Kevin A. Mulder Date: Oct 4, 2007
Date: _____

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, IL
My commission Expires 6-26-2009



Oct 4th 2007

CERTIFICATE OF MAILING

I certify that on June 21st 2007, ~~499~~ ²⁰⁰⁷ ~~2007~~ ²⁰⁰⁷ 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**

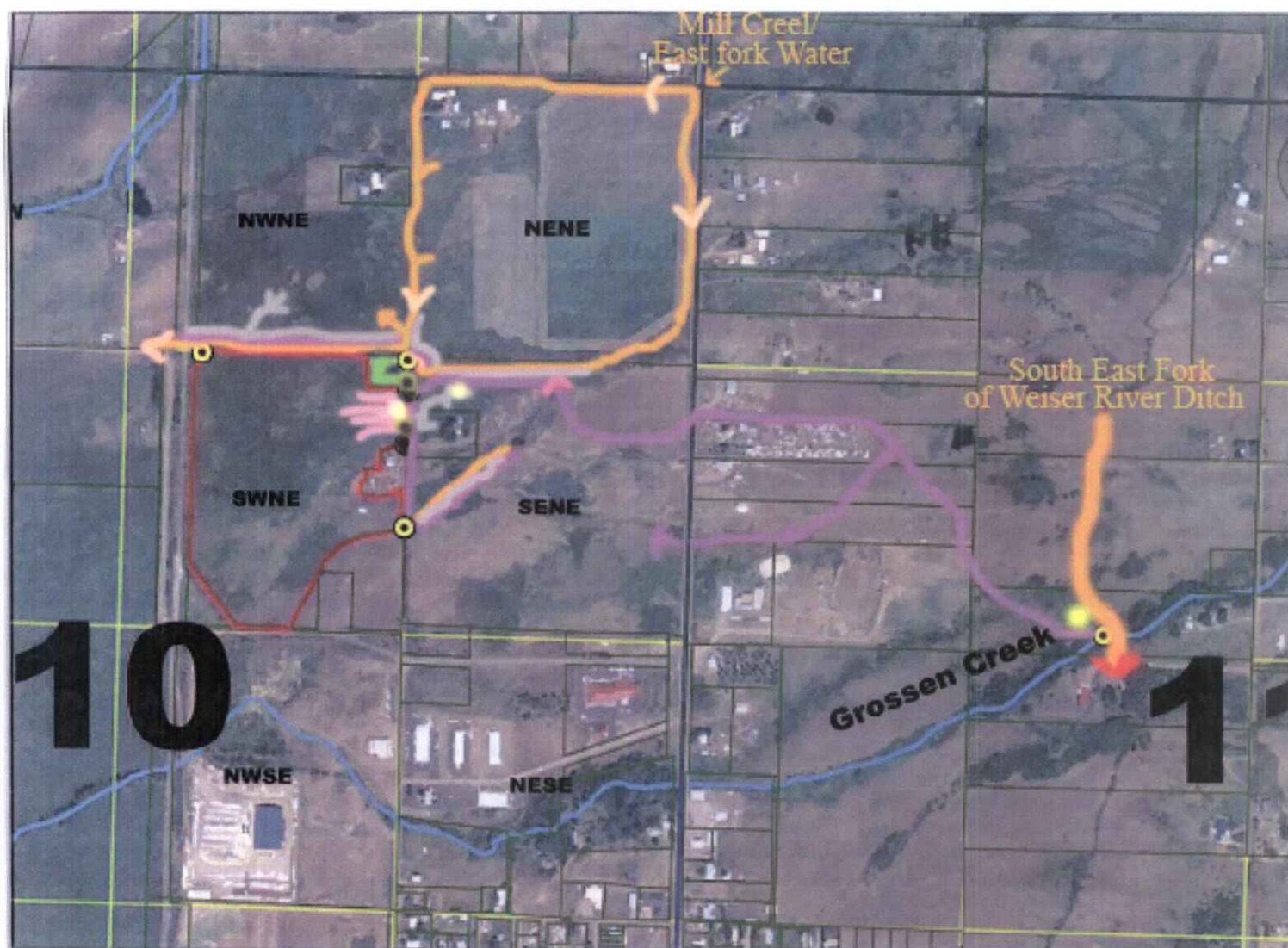


State Of Idaho

Overview Map

67-14877

Madsen



- 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



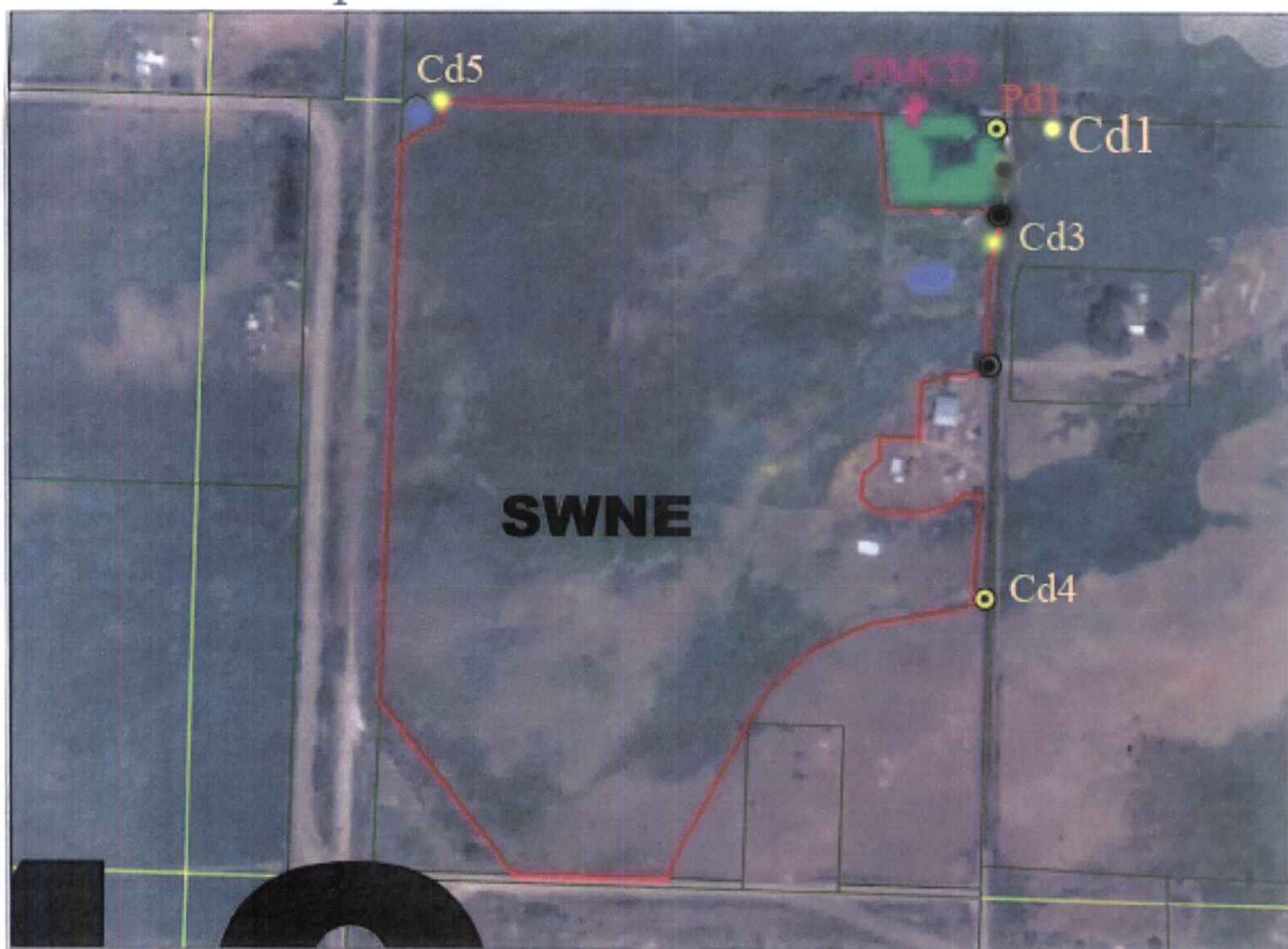
State Of Idaho

closeup
map

67-14877

Madsen

waste water



0 1320 Feet

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

Original Mill Creek Diversion

Ammend Locations for
Point of Diversions

Irrigated from waste water and
or deeded water

Ammended by Kevin Madsen

Oct. 2007



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

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

Date Received

Receipt Number

See Attachment

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chester L. Madsen, Kevin A. Madsen, or Eunice E. Madsen Phone (208) 253 4815

Mailing Address 2073 N. Galewa Road Zip 83612

2. Date of Priority (Only one (1) per claim) Council FD 83612

See Attached

3. Source of water supply (a) _____
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16N	01W	10			23														23
16N	01W	10			2														2

Total number of acres irrigated _____

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

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. _____ or None ()

14. Remarks:

Last Name MADSEN Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number Sub case 67-14877 Decree Date _____
Plaintiff vs 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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Chester J. Madson Bonnie E. Madson Date 6-20-07

Bonnie E. Madson Date 6-20-07
Karin A. Madson 6/20/07

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

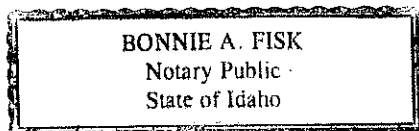
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 20th day of June 2007

SEAL



Notary Public Bonnie A Fisk

Residing at Council, Idaho

My Commission Expires 11/21/09

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name MADSEN Ident. Number _____