

A63-2168

T07N, R05E, S2

Pioneerville

SESW

SWSW

Smith

Year

Crash

2

2

Crash

4648

4600

4600

4800

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 63-2168
Date Received: 10/2/1998
Receipt No: W024466
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BETTY M BERMENSOLO Phone: (208)375-4249
1970 NORTH CANONERO WAY
BOISE ID USA 83709

2. Date of Priority: 03/11/1911

3. Source: CLEAR CREEK EAST FORK Trib. to: GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	05E	11	NW NE	BOISE	

5. Description of diverting works:

HEADGATE-PIPELINE-DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.8	
INDUSTRIAL	1/01	12/31	0.8	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	05E	2	SW SW	IRRIGATION	14

					Section Acres	14
07N	05E	10	NE	NE	IRRIGATION	12
					Section Acres	12
07N	05E	11	NW	NW	IRRIGATION	20
					Section Acres	20
					Total Acres	46

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

I/SAWMILL, SOURCE - CLEAR CREEK AKA SMITH CREEK.

15. Basis of Claim: License

16. Signature(s)

Idaho Department of Water Resources Receipt

Receipt ID W024466

Payment Amount	\$220.00	Date Received	10/2/1998 12:32:56 PM	Region	Western	Status
Payment Type	Check	Check Number	729			

Payer BERMENSOLO, BETTY

Comment NOTICE OF CLAIM:A63-02168,A63-00311

Signature Line (Dept. Representative)

AJ0749NP
No. A63-02168

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/03/99
PAGE: 1

OWNER
CODE
C
BETTY M. BERNENSOLO
1970 NORTH CANONERO WAY
BOISE ID 83709
(208) 375-4249

PRIORITY
DATE
03/11/1911

WATER USE
IRRIGATION
INDUSTRIAL
DOMESTIC

DIVERSION
RATE
0.800 CFS
0.800 CFS
0.040 CFS

DIVERSION
VOLUME
0.800 CFS

TOTAL DIVERSION: 0.800 CFS

Water Source: CLEAR CREEK, EAST FORK Tributary to: GRIMES CREEK Stage: LICENSE

Point(s) of Diversion: T07N R05E S11 NWNE BOISE County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE			
T	R	S	ENE	WNE	SWNE	SENE	ENE	WNE	SWNE	SENE	SUM
07N	05E	2	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
07N	05E	10	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
07N	05E	11	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
											SUM
											14.0
											12.0
											20.0
											46.0

Place of use Location for INDUSTRIAL is the same location as described for: IRRIGATION

Place of use Location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BOISE

Non-Irrigation Uses: DOMESTIC-INDUSTRIAL

Other Rights: A63-00311

Remarks: GEN I/SAWMILL, SOURCE - CLEAR CREEK AKA SMITH CREEK.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

could not find the water right
update this for 8/3/99 - baw
for 8/3/99 - baw

02/26/2002

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

RIGHT NUMBER: 63-2168

NAME AND ADDRESS: BETTY M BERMENSOLO
1970 NORTH CANONERO WAY
BOISE ID 83709

SOURCE: SMITH CREEK

TRIBUTARY: CLEAR CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 03/11/1911

POINT OF DIVERSION:

T07N R05E S2 SESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T07N R05E S02 SWSW

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: License

DOMESTIC USE IS FOR 1 HOME
SOURCE IS ALSO KNOWN AS CLEAR CREEK EAST FORK.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 463-2168

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 3-11-1911
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☐ No Change — SAME SOURCE
☒ Source is different than that claimed:
Source found: Clear Creek East Fork is now Smith Creek.

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township 7N Range 5E Section 2 1/4 _____ 1/4 SE 1/4 SW - same as
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____ 63-311

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:
- _____
- _____
- _____

6. ☐ No Change - WATER USES

☒ Different uses, (list uses found):

Use Domestic From 1-1 To 12-31 Amount .04 CFS AFA
 Use From To Amount CFS AFA
 Use From To Amount CFS AFA

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount CFS AFA

☒ Changes found, the new total is, Amount .04 CFS AFA

8. ☒ No Change - NON-IRRIGATION USES:

☒ Changes Exam found:

Domestic # of homes: 1 Stock # List types:

Additional comments: Industrial use for small saw mill is no longer in use.

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: Dom Township 7N Range 5E Section 2 1/4 SW 1/4 SW
 Use: Township Range Section 1/4 1/4
 Use: Township Range Section 1/4 1/4
 Use: Township Range Section 1/4 1/4

Remarks: (Comments pertinent to field examination) See additional attachment

Irrigation component is superseded by 63-311 with an earlier priority date.

C18, C03, N11, N13

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☒ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-19-01 & 10-16-01 with 63-312 & 63-313

FIELD EXAMINER:

Print Name

Mike Schulte

Signature

A63-2168

T07N R05E S2

MSMS

1000

Year



County: Boise
Stream: Right Fork Clear Creek,
Amount: 8/10 of 1 Sec. Ft.
Use: Irrigation
Priority: Mar. 11, 1911.

STATE OF IDAHO

Water License No. 7453.

WHEREAS, On the 11th day of March, A. D. 1911, Isaac Van Winkle

of Pioneerville, County of Boise, State of Idaho, duly made application (No. 10403) to me for a permit to use 8/10 of 1 cubic foot per second of the waters of Right fork of Clear Creek and 8/10 of 1 cubic foot per second of the Left Fork of Clear Creek,
County of Boise, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 22nd day of July, A. D. 1911, Permit No. 7453 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 22nd day of July, A. D. 1913, and for the application to beneficial use of said water on or before the 22nd day of July, A. D. 1915, and,

WHEREAS, On the 28th day of June, A. D. 1913, Isaac Van Winkle

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 8/10 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 7453 dated July 19, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 8/10 of 1 cubic foot per second of said water, with date of priority of March 11, 1911, and

WHEREAS, On the 22nd day of July, A. D. 1915, Isaac Van Winkle

the holder of said permit, duly made proof of the application to beneficial use of 8/10 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Isaac Van Winkle

of Pioneerville, County of Boise, State of Idaho, the holder and owner of said Permit No. 7453, a perpetual right, dating from March 11, 1911, to the use of 8/10 of 1 cubic foot per second of the waters of the Right Fork of Clear Creek,

in the County of Boise and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 11, T. 7 N., R. 5 E. S. M.

and conducted to and upon 46 acres, as follows: 20 acres in NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 11, 12 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 10, and 14 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, all in T. 7 N., R. 5 E. S. M.

small sawmill,
for the purpose of irrigation and domestic use and to run, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 15th day of November, A. D. nineteen hundred and fifteen.

J. H. Smith.

(Seal)

State Engineer:

63 2168

REPORT OF ENGINEER

1. State name of applicant and number of permit: Isaac Van Winkle- Permit 7453
2. State source of water supply: Clear Creek- 8/10 of 1 sec. ft.
3. Location of point of diversion: NW4 NE4 Sec. 11, T.7 N.R. 6 EBM
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions and capacities of same: Dam of Earth and Rocks- 1 1/2 ft. high, 20 ft. long on top, 16 ft. on bottom. Head gate, 2 1/2 ft. wide, 2' high. Ditch, 2 ft. on bottom, 3 ft. on water line, 1 ft. deep. Grade, 10 ft. to mile. Capacity, 75 inches.
6. State whether or not water has been turned into works of diversion: Yes - 60 inches in ditch at time of examination.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
(NW4 NW4 Sec. 11) (NE4 NE4 Sec. 10) (SW4 SW4 Sec. 2, T. 7 N.R. 6 EBM)
20 acres, 12 acres, 14 acres.
Also used to operate small saw-mill, located in SW4 SW4, Sec. 2.
8. Submit map on enclosed plat, showing location and details of above description.

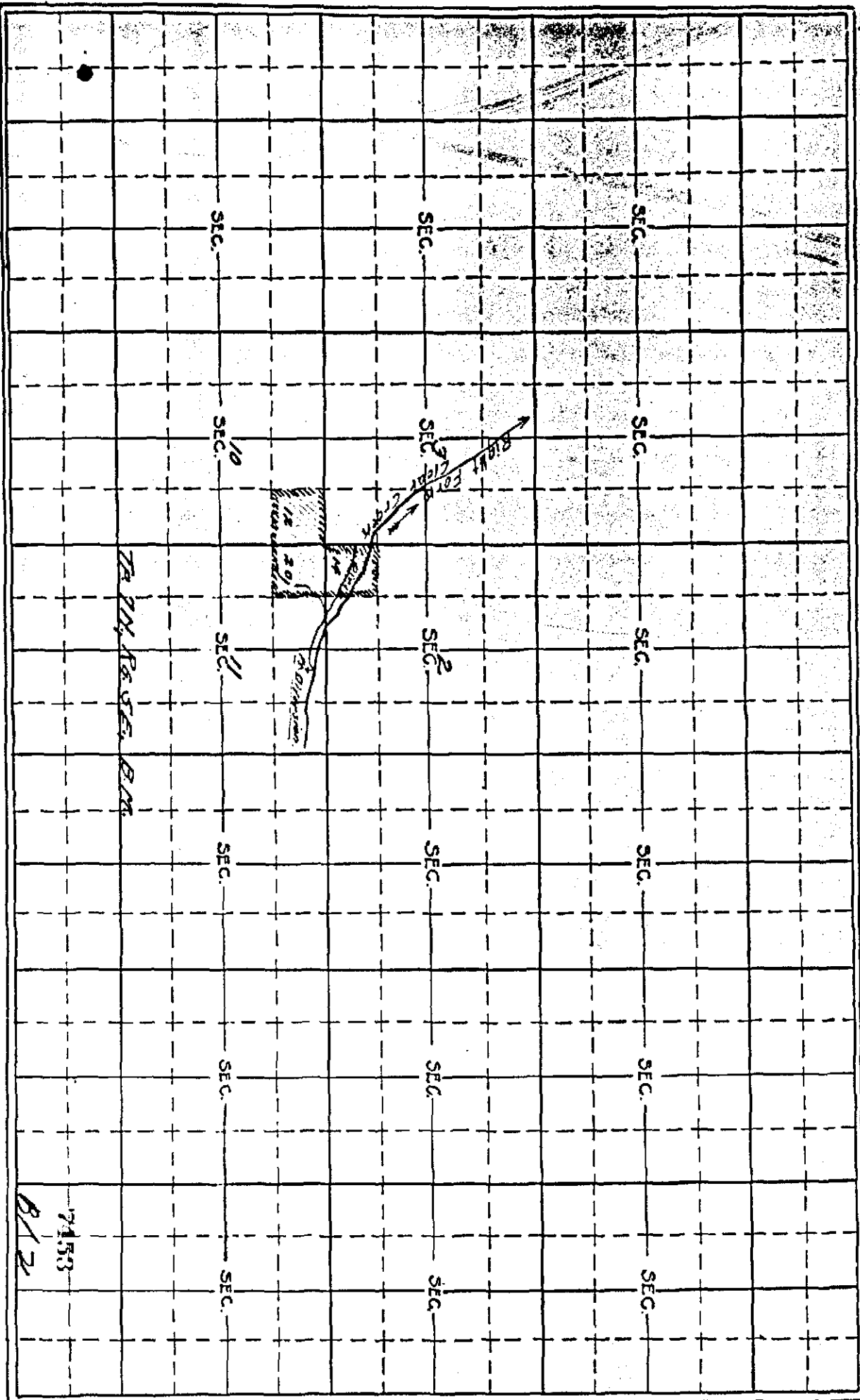
Remarks:

This examination was made on the 22nd day of September, 1915.

(Signed)

7453

Examiner.



TA PA, RA, SE, BA

B/2

7453

Name of Applicant: Isaac Van Winkle - #7453