

LAVAR NEUMAN  
A32-00094

EW 6/30/99

EW 6/30/99



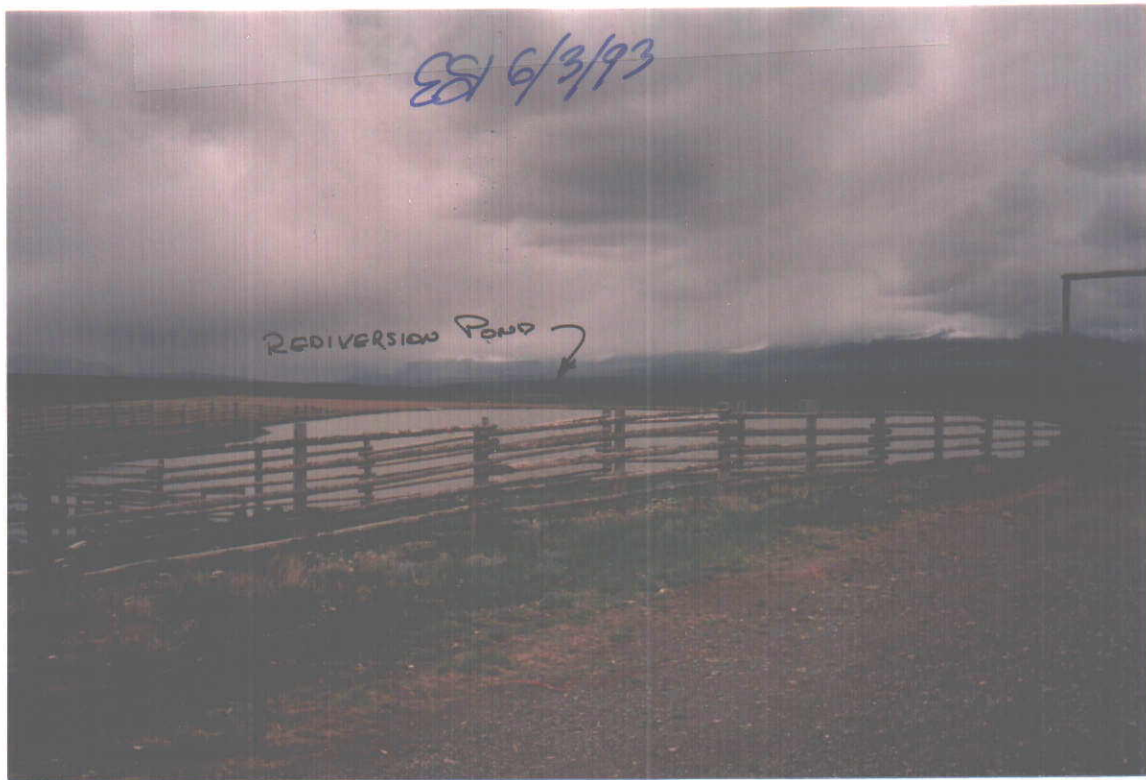
TOURTOP DIVERSION FROM SMELTER GULCH



POWER  
GENERATOR -  
SMELTER GULCH  
SOURCE.

ES/ 6/3/93

REDIVERSION POND

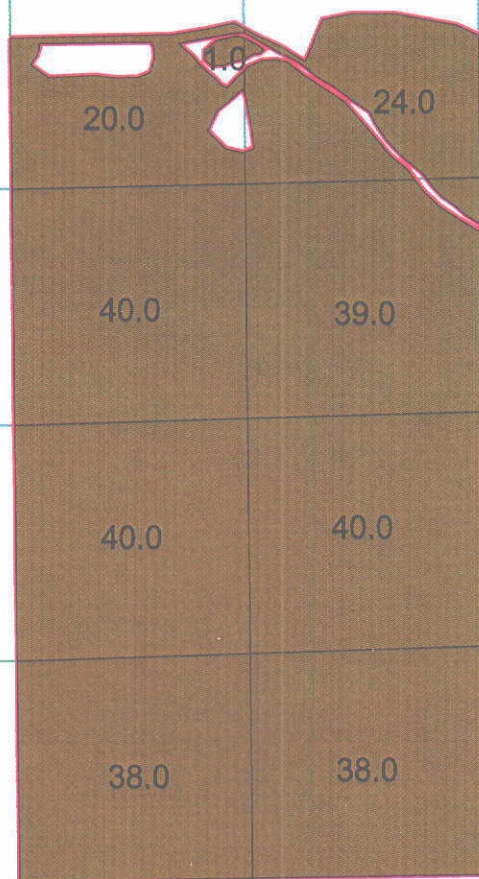


20

21

29

28



09/26/2000

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-94

NAME AND ADDRESS: LA VAR NEWMAN  
2941 N 800 E  
MONTEVIEW, ID 83435

SOURCE: SMELTER GULCH CREEK      TRIBUTARY: Birch Creek

QUANTITY: 1 CFS

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 9.80 CFS. THROUGH JULY 15 AND  
8.78 CFS. AFTER JULY 15. COMBINED RIGHTS: 32-00095, 32-00096,  
32-10125

PRIORITY DATE: 11/06/1890

POINT OF DIVERSION: T12N R29E S16      SESESW      Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 5-01 10-31           | 1.00 CFS        |
| STOCKWATER            | 1-01 12-31           | 0.07 CFS        |

PLACE OF USE:

|                                |      |    |                                 |
|--------------------------------|------|----|---------------------------------|
| IRRIGATION Within LEMHI County |      |    |                                 |
| T12N R29E S21                  | SWNW | 21 | T12N R29E S21      SENW      24 |
| T12N R29E S21                  | NESW | 39 | T12N R29E S21      NWSW      40 |
| T12N R29E S21                  | SWSW | 40 | T12N R29E S21      SESW      40 |
| T12N R29E S28                  | NENW | 38 | T12N R29E S28      NWNW      38 |

280 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00095, 32-00096, 32-  
10125

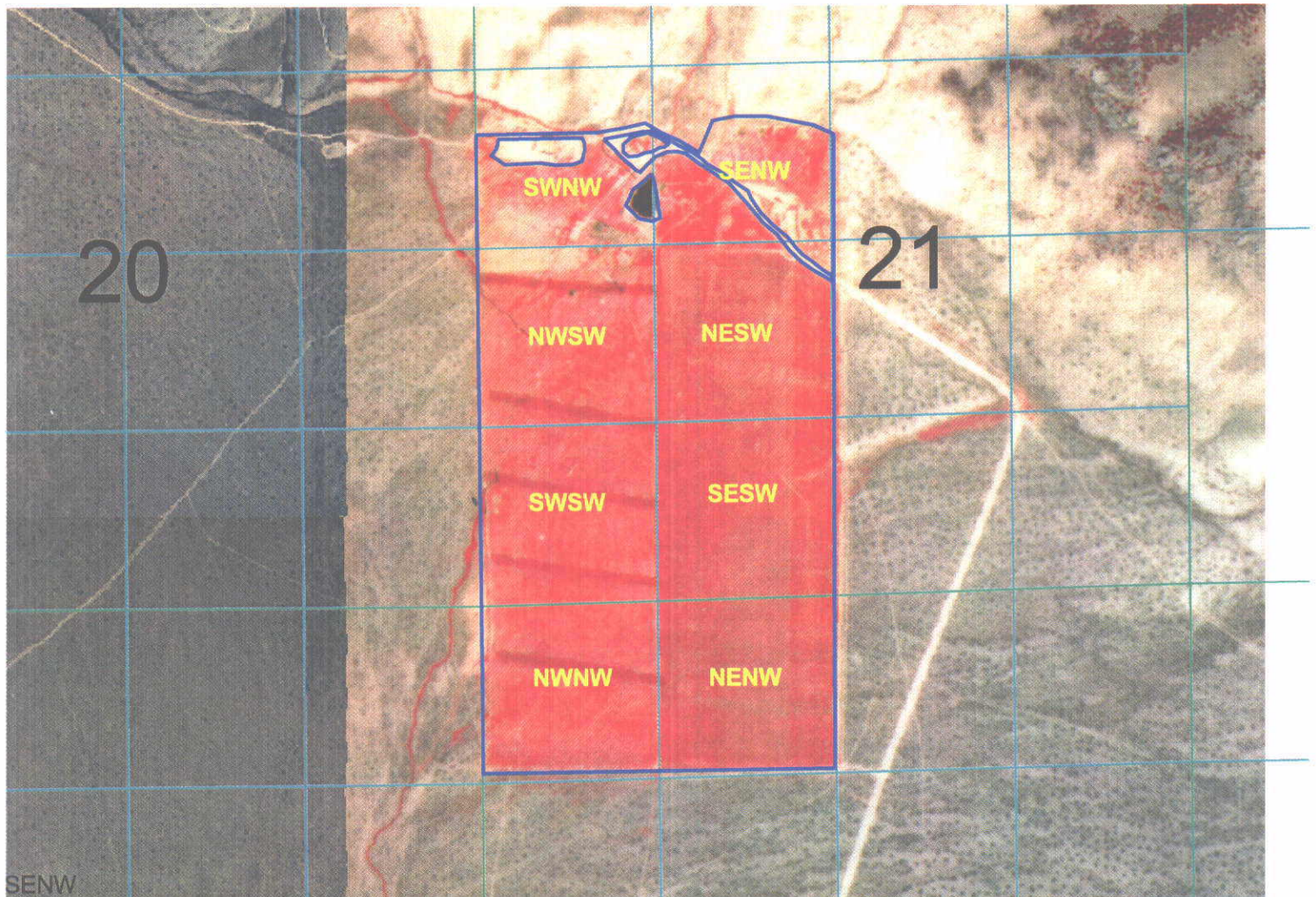
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

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.

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Nos. 32-00094, 32-00095 and 32-00096



0 1320 2640 3960 5280 Feet

**Township 12N Ranges 28E**  
**Acres Irrigated: 280**



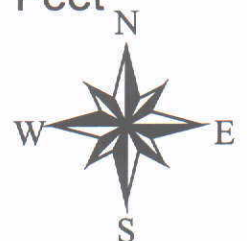
Place of Use  
Boundary



Section Lines



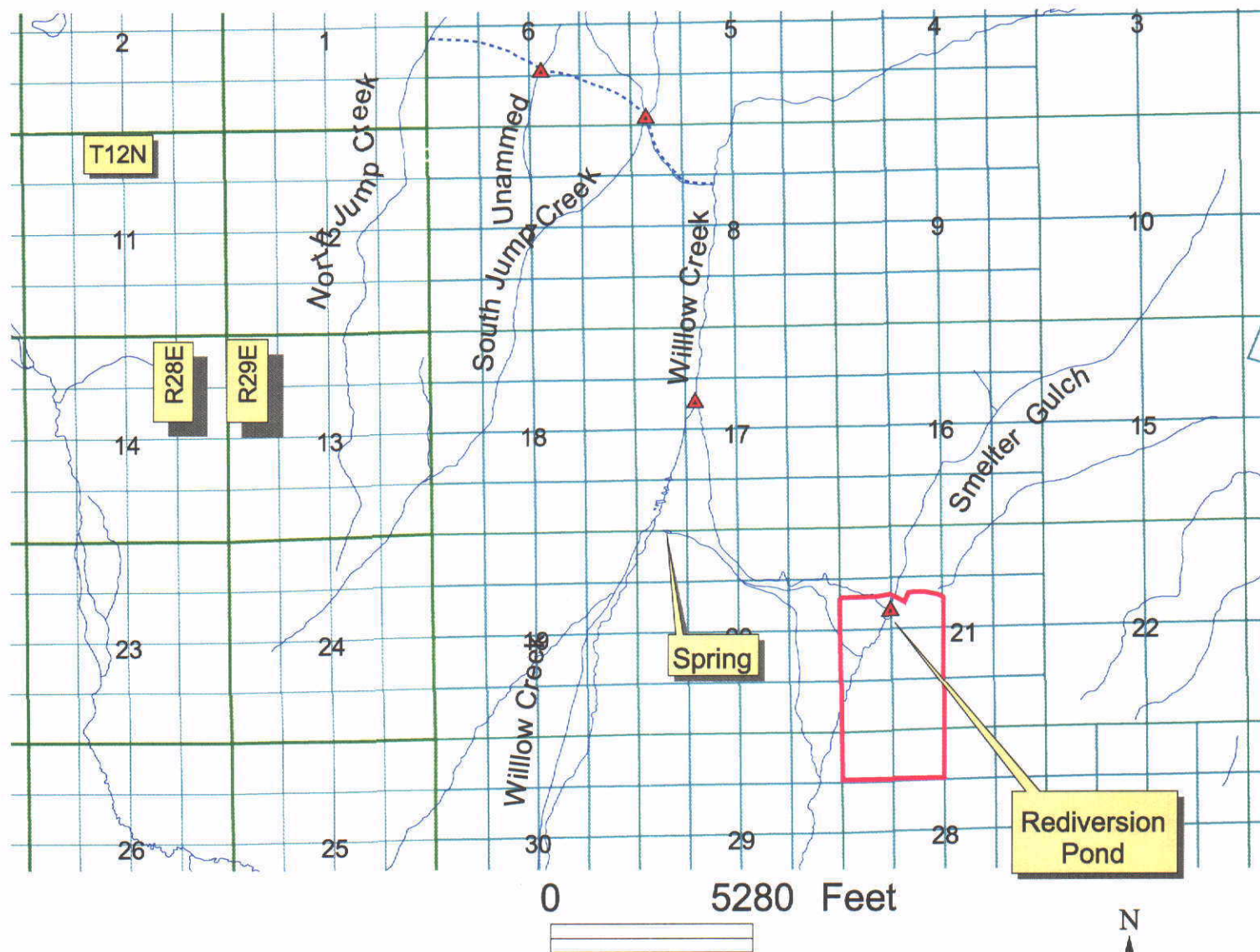
Quarter/Quarter Lines



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: April, 1999

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Nos. 32-00094, 32-00095 and 32-00096



Point of Rediversion  
Location



Place of Use  
Boundary



Section Lines

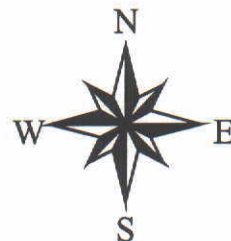


Quarter/Quarter Lines



Ditches

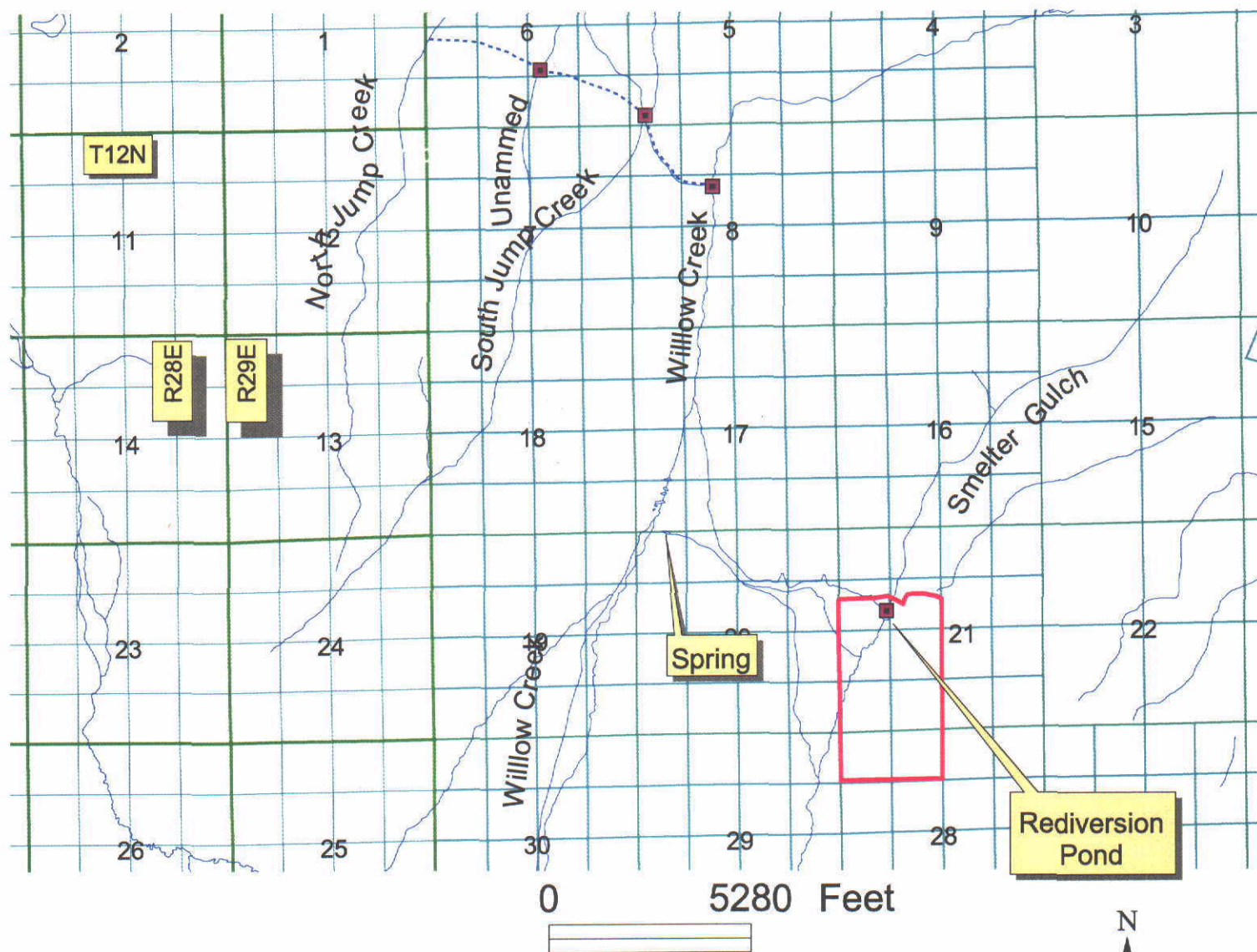
**Township 12N Ranges 28E & 29E**  
**Acres Irrigated: 280**



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: April, 1999

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Nos. 32-00094, 32-00095 and 32-00096



-  Point of Injection Location
-  Place of Use Boundary
-  Section Lines
-  Quarter/Quarter Lines

**Township 12N Ranges 28E & 29E**  
**Acres Irrigated: 283**

GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: April, 1999

RECEIVED

OCT 19 2000

Department of Water Resources

200 OCT 17 PM 4: 08

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

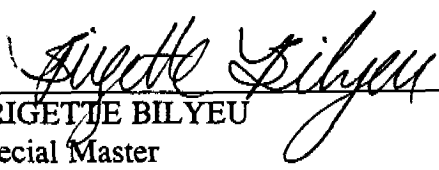
Case No. 39576

) Subcases: 32-00094, 32-00095,  
) 32-00096, 32-07116, 32-10125 and  
) 32-10358

) ORDER VACATING TRIAL  
) SCHEDULING ORDER

On October 13, 2000, the parties and IDWR executed and filed *Standard Forms 5*. Since the parties and IDWR have reached resolution as to the contested elements of these water rights, IT IS ORDERED that all dates and deadlines set forth in the Trial Scheduling Order are vacated.

DATED: October 17, 2000.

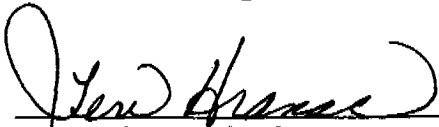
  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING TRIAL SCHEDULING ORDER was mailed on October 17, 2000, sufficient first-class postage to the following:

Director of IDWR  
P.O. Box 83720  
Boise, ID 83720-0098

Blair Grover  
Attorney at Law  
PO Box 36  
Rigby, ID 83442-0036

  
Deputy Clerk

Post-It Fax Note 7672

2004 Release Under  
NND 940717 (FOIA b7)(D)



No. of Pages

2

Today's Date

9/26/00

Time

2:45 PM

To

Blair Grover

Company

Location

Fax #

745-6655

Telephone #

Comments

From

B. Contor

Company

IDWR

Location

Dept. Charge

Fax #

Telephone #

525 7161

Original  
Disposition:



Destroy



Return



Call for pickup

Proposed Directors report for 32-00094 SF5.

Only change is striking of stockwater limitation.

9/26/00

To: A32-00094

A32-00095

A32-00096

A32-10125

Fr: Bryce Contr

Date: 7/26/00

Re: Combined diversion rate limitations

Per Lavar Newman's question yesterday, I have reviewed the basis of the 9.80/8.78 cfs limitation on the above rights.

1) Ditch losses proposed by Jeff Peppersack (see 7/19/1999 e-mail in file A32-00094) plus 0.02 cfs/acre sum to about 9.93 gfs, including allowance for Willow Creek to POU of 32-10358.

2) Overlapping rights analysis sheet in file A32-00094 shows that original decreed rights sum to 9.80 gfs before July 15, 8.78 gfs thereafter

It appears that Mr. Vermeir's conclusion was that there was enough justification for ditch loss to recommend the original decreed rights at decreed rates, and limit the later beneficial use right due to 100% overlap.

To: File A32-00094, A32-10358  
Fr: Bryce Contor  
Date: 7/25/2000

Re: Office Visit with LaVar Newman

LaVar visited me in the office today. We discussed several issues:

1. LaVar presented a copy of Permit 32-07146, for 1.0 cfs for Hydropower use on Smelter Gulch. We looked on the database and in the microfiche and discovered that it was lapsed on 6/6/1994. LaVar contends that he never received notice of lapse or notice that proof was due.

I suggested that he consider contacting Harold Jones about how to contest the lapse. I also suggested that he could file a late Adjudication Claim. Based on the lapse of the permit, we would likely disallow, but that would gain him a forum before the court. As it stands now, our response to his objection that we didn't recommend power generation is that he did not claim it.

We also discussed the fact that because proof was due after 1987, he is not required to file in the Adjudication on this permit. However, I told him that he does need to address the lapse or apply for another permit, or he won't have a valid water right at all for the hydropower use.

After LaVar left, Ernie Carlsen suggested that he could apply for reinstatement and file late proof of beneficial use, if the system was actually in place before the proof due date (January 1, 1994). I sent a post card and plan to call this evening after LaVar has had time to reach his home.

Copies of permit, lapse letter, lapse notice, and post card in A32-00094.

2. LaVar asked what had happened to decreed right 32-00097. I responded that it was part of the 16.0 cfs claimed under A32-10358. We reviewed again that it was originally recommended for about 9 cfs but that I now propose recommending 10.60.
3. LaVar asked why A32-10358 is recommended at one inch/acre when the upper PPU (32-00094, 32-00095, 32-00096, 32-10125) is recommended at 9.6 cfs for only 280 acres.

I responded that the recommendation for A32-10358 was based upon an analysis that the lands north of the highway, referenced in the transfer, are rolling enough that they must have been irrigated by sprinkler, and that he had indicated the same. Those lands were recommended at one inch/ acre based upon sprinkler irrigation, and the 24 acres south of the highway was recommended at 2 1/4 inch/acre based on a Hubble analysis.

I also explained that the first recommendation for A32-10358 was based on an assumption of 224 acres of flood irrigation per the 1980's NAPP photos at two inches/acre.

I told Mr. Newman that Eric Verner had prepared the recommendations for the upper place, that I had seen correspondence in the file regarding ditch loss, so there must have been a ditch loss component included. I also indicated that at least 32-10125 may have been recommended on the basis of flood irrigation.

In file A32-00094 I found a copy of a Jeff Peppersack e-mail dated 7/8/1999 detailing ditch losses. I read the numbers to Mr. Newman but did not add them up. I noticed (but did not discuss with Newman) that Peppersack had calculated a ditch loss of 2.25 cfs for the reach I had analyzed for A32-10358 (I came up with 2.73 cfs).

I plan to review again Eric's recommendation for the upper POU, so that I may better understand and explain what was done.

4. One of LaVar's contentions in the Objection was that Smelter Gulch is not a surface tributary to Birch Creek. After LaVar left, I noticed that permit 32-07146 states Smelter Gulch is tributary to "sinks." I reviewed again the introductory paragraphs from the decree (copy in file A32-00094), and to me it could be interpreted that "Nicholia Creek" (which appears to be the source we now call "Smelter Gulch") is not a tributary.

Based on this, I would be inclined to agree to changing the source on the recommendation, if LaVar pursues this further.

LaVar Newman  
2941 N 800 E  
Montevideo, ID  
83435



© USPS 1998 recycled

LaVar-

7/25/00

The "proof due" date on permit 32-07146 was Jan 1, 1994. If you had your system in place prior to that date, you may wish to consider contacting Harold Jones about applying for re-instatement of the permit and submitting late proof.

Dwight A. Connor

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 32-07146

Proposed Priority: March 18, 1985  
This is to certify, that LA VAR NEWMAN  
MONTEVIEW, ID 83435  
has applied for a permit to appropriate water from:

Maximum Diversion Rate:

1.00 CFS

SMELTER GULCH

tributary of SINKS

and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| POWER                 | 01/01 to 12/31       | 1.00 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

SESW Sec. 16, Township 12N, Range 29E  
LEMHI County

PLACE OF USE: POWER  
TWN RGE SEC

12N 29E 21

SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
5. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
6. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

## Permit To Appropriate Water

NO. 32-07146

CONDITIONS/REMARKS:

7. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director on the date(s) of expiration of any license issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
8. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
9. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
10. Amount of power to be generated is 12.6 horsepower under 141 feet of head.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this

31<sup>st</sup> day of January, 1991.

*[Signature]*  
for R. Keith Higginson, Director

T

October 31, 1993

LA VAR NEWMAN  
MONTEVIEW ID 83435

PROOF DUE NOTICE

RE: PERMIT NO. 32-07146

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

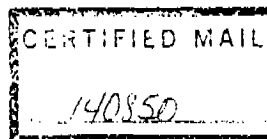
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures



January 6, 1994

LA VAR NEWMAN  
MONTEVIEW ID 83435

LAPSE NOTICE

RE: PERMIT NO. 32-07146

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1993. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SXTON  
Chief, Water Allocation Bureau

Enclosures

CONFIRMATION OF MAILING

Recorded on 1-6-94  
A true and correct copy of this document was  
mailed by the United States mail,  
first class, addressed to the  
party named above.

*[Signature]*

00094  
To: File A32-~~00095~~  
Fr: Bryce Contor  
Date: 7/17/2000

*Bryce*

Re: Power generation

I failed to find reference to a water right permit or license for power generation searching in B32 records under "Newman," "Smelter," "Smelter Creek," "Smelter Gulch," "Smelter Gulch Creek," or the legal description.

I conclude that the "permit" Mr. Newman refers to in his objection is a FERC permit, and that no water right permit was ever applied for.

If Mr. Newman wishes to apply for a hydropower water right, this would post-date the adjudication and would not need to be recommended in the director's report.

*The attached is a lapsed permit  
for power generation on Willow  
Creek, which does not appear to  
describe this project.*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT  
To appropriate the public waters of the State of Idaho

1. Name of applicant Lavar Newman Phone 657-2252  
Post office address Montevideo, ID 83435
2. Source of water supply Willow Creek which is a tributary of Birch Creek
3. Location of point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 17 Township 12N  
Range 29E B.M. Lemhi County, additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 8.0 for Power Gen. purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. 8.00 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.
6. Proposed diverting works:  
a. Descriptive of ditches, flumes, pumps, headgates, etc. Pipeline to turbine to generator  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_  
Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year -- maximum 5 years).
8. Description of proposed uses:  
a. If water is not for irrigation:  
(1) Give the place of use of water: NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section \_\_\_\_\_ Township 12N  
Range 29E B.M. \_\_\_\_\_  
(2) Amount of power to be generated: 175 horsepower under 272 feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water: \_\_\_\_\_  
(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

**Total number of acres to be irrigated**

c. Describe any other water rights used for the same purposes as described above.

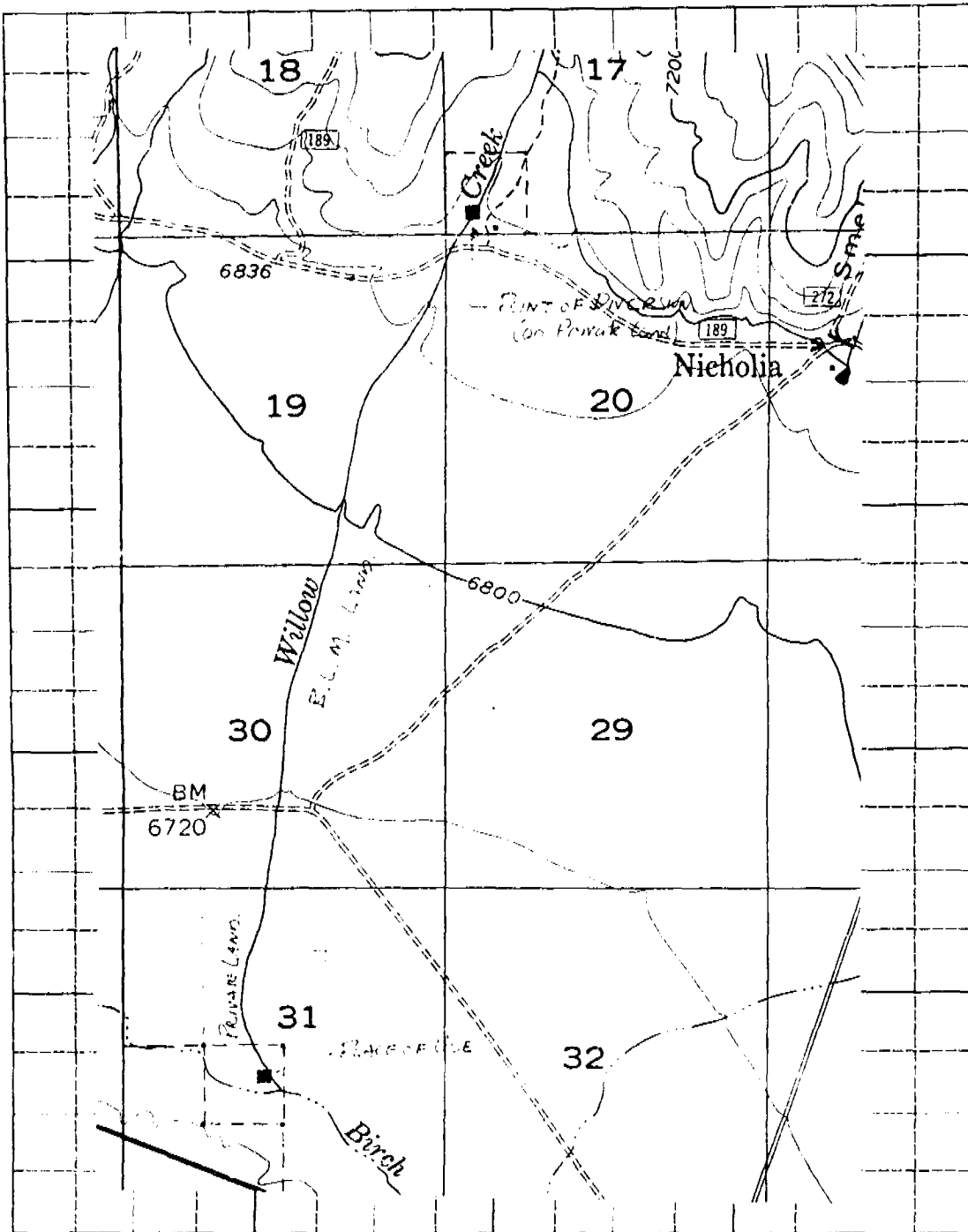
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant presently has filed for application for easement from B.L.M. Pipeline will cross appr. 2 miles BLM land.

### 10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*La Verne Brown*  
(Applicant)

Proposed Prior 3/18/85

Received by S.M. Date 3-18-85 Time 4:20 P.

Preliminary check by JS Fee \$ 185<sup>00</sup>

Received by QU Date 3-18-85 # 33229

Publication prepared by QU Date 3-27-85

Published in Idaho State

Publication dates 4/04/85 4/11/85 Road 9-5 & 9-12-85

Publication approved QU Date 4-16-85 9-12-85

Protests filed by: -BLM Withdrawn 7/1/85

Copies of protests forwarded by CW

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by ENC

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 32-7147, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: SEE ATTACHED SHEET FOR CONDITIONS d thru l.

Witness my hand this 8<sup>th</sup> day of October, 1985.

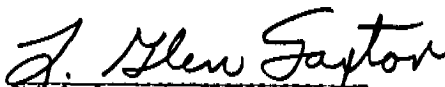
L. Glen Saxton  
Chief, Operations Bureau

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 32-7147

- d. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- e. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty-five (35) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- f. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- g. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- h. Use of water under this permit shall be non-consumptive.
- i. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- j. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
- k. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- l. Use of water under this permit is subject to control by the watermaster of State Water District No. 32D, Birch Creek.

Witness my hand this 8<sup>th</sup> day of October, 1985.

  
Chief, Operations Bureau

LA VAR NEWMAN  
MONTEVIEW, ID 83435

October 18, 1990

RE: PERMIT NO. 32-07147 LAPSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated July 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

LGS:rf

Enclosures

**CERTIFICATION OF MAILING**

I hereby certify that on 10-23-90  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

138077

July 31, 1990

LA VAR NEWMAN  
MONTEVIEW, ID 83435

PROOF DUE NOTICE

RE: PERMIT NO. 32-07147

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck  
Secretary/Records Manager

Enclosures

of the law and the premises aforesaid;

IT IS HEREBY ORDERED ADJUDGED AND DECREED, that the defendants, Chester Worthing, Francis Watts, George Stevenson, Thomas Fayle, Thomas Clark, Frank Clark, Frank Shafer, James Wells, Charles Curtis, T. W. Thomas and Birch Creek Irrigation Company, a corporation, are not entitled to the use of any of the waters of the stream known as Birch Creek, having its source in Lemhi County, near the southerly boundary thereof, and flowing in a southeasterly course and finally disappearing at a point commonly known as the Birch Creek Sink ( the same being the waters involved in this action) or any of the tributaries of said creek, or any of the springs involved in this action, or any of the waters of the streams known as Nicholia Creek, Willow Creek, North Jump Creek, South Jump Creek, Mud Flat Creek and Dry Creek, rising northerly and near the source of said Birch Creek, or of any of the tributaries of said streams; and they and each of them, their servants, agents, attorneys and counselors are forever and perpetually enjoined from in any way taking or using or interfering with or molesting the use of said waters by the claimants entitled thereto, as hereinafter set forth, and from molesting or disturbing the head gates, ditches and other works for the diversion of any of said waters.

That as to the defendants J. R. Richards, S. Kuharski, W. A. Tyler, M. Kaufman, W. A. Scott, W. W. Johnson, Thomas Miller, David Miller, Henry Kaufman, George Stevenson and H. D. Mason, this action be and the same is hereby dismissed.

That the judgment of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Fremont, Dated October 12th,

\*\*\*\*\*

Claim A32-00094  
Doc Source Reno v Richards  
1915  
Date 7/17/00 Sig. Bac

2 0094 That Oliver Ransom have, at all times, the use of one cubic foot per second of time (fifty miners' inches) of the waters of Nicholia Creek, his right to the

312 0095 use of the same to date from the 6th day of November, 1890; that he also have at all times the use of all the waters from North Jump Creek and South Jump Creek,

right to the use of the same to date from the 6th day of November, 1890; that he also have the right to the use, at all times, of three and two-tenths (3.2) cubic

312 0096 feet per second of time (one hundred and sixty miners' inches) of the waters of

Willow Creek, up to and including the 15th day of July in each and every irrigating season; and after said date he is entitled to have, at all times, the use to two

and nine-fiftieths ( $2 \frac{9}{50}$ ) cubic feet per second of time (one hundred and ninety miners' inches) of said waters of Willow Creek throughout the remainder of each

every irrigating season, his right to the use of the same to date from the 6th day of November, 1890; said waters to be used upon and become appurtenant to the

following described lands:

The South Half of the North-west Quarter and the South-west Quarter of Section Twenty-one (21); the North Half of the North-west Quarter of Section Twenty-eight (28), all in Township Twelve (12) North of Range Twenty-nine (29), East of the Boise Meridian, in the County of Lemhi, State of Idaho, and containing three hundred and twenty acres;

And that the said defendant, Oliver Ransom, have the right to deliver the waters so allotted to him from the said North Jump Creek and said South Jump Creek into and commingle the same with the waters of said Willow Creek, and to use the natural channel of said Willow Creek to carry the waters of said North Jump Creek and said South Jump Creek to his point of diversion thereof from said Willow Creek provided however, that the said Oliver Ransom shall at no time use more water from said Willow Creek than the amount so delivered therein from said North Jump Creek and said South Jump Creek and the amount so allotted to him from said Willow Creek

\*\*\*\*\*

Claim A72-00094

Doc Source Reno v Richards

1905

Date 7/12/00 Sig. BAC

ols have the use, at all times, of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of said Willow Creek, his right to the use of the same to date from the 25th day of June, 1910; to be used upon and become appurtenant to the following described

To: A32-00094  
Fr: Bryce Contor  
Date: 1/11/2000



Re: Objection Response

1) Quantity

a) Basis of Recommendation

Decree is for 1.0 cfs.

Claim is for 1.0 cfs.

Recommendation is for 1.0 cfs.

b) Other Possible Objections

In Notice of Error process, claimant disagreed with 13,000 gallon per day limitation on stockwater use. While part D of SF1 does not address limitation, section E seems to indicate that claimant also objects to this part of recommendation.

Also in Notice of Error process and in part E, claimant has asserted more head of livestock than claimed.

c) Response

Recommendation is for full decreed quantity. Claimant may wish to petition court to file a late beneficial use claim for additional diversion rate.

Per memo in file, claimant was notified that payment of fee on claimed 0.07 cfs for stockwater would allow removal of limitation. Additional fees were not received. I have no problem with removing limitation upon receipt of fees if it is not too late to receive additional fees.

Note however that the rule of thumb of 12 gpm/head/day indicates that 13,000 gallons per day would be adequate for about 1080 head. This is greater than the 300 head claimed and greater than the 592 head asserted in SF1.

2) Purposes of Use

a) Basis of Recommendation

Claim is for irrigation and stockwater purposes.

b) Response

Recommended as claimed.

Claimant may wish to petition court to file a late claim for a power generation right based upon the asserted 1980 permit. Note Eric Verner 1993 field exam includes a photo of power generator.

RECEIVED

DEC 13 1999

Department of Water Resources

COPY

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 )

A. Subcase 32-00094

(Insert water right number)

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Lavar Newman

Address: 2941 North 800 East  
Monteview, ID 83435

Daytime Phone: (208) 657- 2252

Name & Address of Attorney, if any:

Blair Grover, Esq.

P.O. Box 36

Rigby, ID 83442

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

Name: Lavar Newman

Address: 2941 North 800 East  
Monteview, ID 83435

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

1. ☐ Name and Address

Should be: \_\_\_\_\_

2. ☐ Source

Should be: \_\_\_\_\_

3. ☒ Quantity

Should be: Smelter Gulch Flow

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: Should also include electrical generator in place since 1980.

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 above.

E. REASONS SUPPORTING OBJECTION(S): The stock water use is limited to 13,000 gallon per day. Historically, Applicant has used whatever water was needed for stock water which is sometimes in excess of 13,000 gallons per day. For example, at the present time,

Applicant has 450 cows which will soon calve, 100 replacement calves, 20 bulls

approximately 20 horses and two mules. They consume more than 13,000 gallons per day. At times there are greater numbers of livestock than that, and they have all the water of Smelter Gulch available. It is not a surface tributary to any other water.

Applicant also has a permit for an electrical generator on Smelter Gulch Creek. It is a nonconsumptive use, but should be acknowledged.

**F.**

**VERIFICATION (Must be Completed)**

State of Idaho)  
 )ss.

County of T Jefferson

Latia Newman, 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.

s are true to the best of my knowledge.

La Verne

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Dec. 9, 1999

Notary Public for Idaho  
Residing at: Pugby, Idaho  
My Commission Expires: 10/24/99

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of December, 1999, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the owner of the water right:

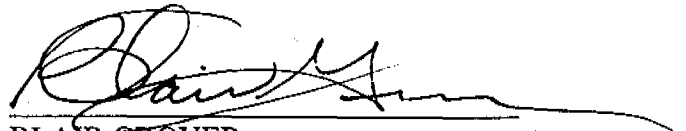
Lavar Newman  
2941 North 800 East  
Monteview, ID 83435

3. Copies to:

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

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

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

  
BLAIR GROVER

17 VERNON P.O.

March 2 (1/4 3/4)

NICOLA RANCH  
JUMP CREEK,  
WILLOW CREEK,  
SPALTER CREEK  
Exam in MID MAY.

L. L. VAN NEWMAN  
2941 N. 800 E.  
MONTEVIEW

ID 83435



A3200094

Nicola Lake, 10/2/63

To: File A32- 00094

Fr: Bryce A. Contor

Bryce

Date: 9/14/99

Re: Notice of Error

LaVar Newman objects to 13,000 gallon/day limitation on stockwater recommendation. Per Ernie Carlsen this restriction must be because cfs fee was not paid for 0.07 cfs. I told LaVar upon receipt of fee I would remove limitation.

LaVar Newman - Dubois, Mo.

32-00094 -

Mr. Newman is not comfortable w/ 13,000 gpd -

Why is it on there?

Why does it need to be there?

Claim for 300 head - 520 head -

500 cows + Bulls / horses -

95 / 96 look all right

32-10358

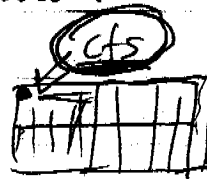
32-07116

Stewart well - early 60's -

Accomplished transfer - Willow Creek to wells -

Hydrogeologist Determination

Ernie - xfer from  
or



32-02100 / 32-10154

## Carlsen, Ernie

---

**From:** Verner, Eric  
**Sent:** Friday, July 09, 1999 11:07 AM  
**To:** Carlsen, Ernie  
**Subject:** FW: conveyance loss

-----Original Message-----

**From:** Peppersack, Jeff  
**Sent:** Thursday, July 08, 1999 3:12 PM  
**To:** Verner, Eric  
**Subject:** conveyance loss

Eric,  
I have attached a lotus spreadsheet with the conveyance loss calculations. Reach 1 is from N. Jump Ck. to the unnamed stream. The loss in reach 1 is 0.15 cfs. Reach 2 is from the unnamed stream to S. Jump Ck. with a loss of 0.21 cfs. Reach 3 is from S. Jump Ck. to Willow Ck. with a loss of 0.12 cfs. Reach 4 is from Willow Ck. to the 280 acre POU with a loss of 1.6 cfs. And, reach 5 is from Willow Ck. to the 374 acre POU with a loss of 2.25 cfs. The calculations are based on the ditch lengths and widths that you gave me. I used 3.00 ft/day for the seepage loss which is for porous sandy to very gravelly soils.

It looks like you will need to apply some combined use limitations to the water rights. If you have questions or need to make some changes to the data, let me know.

Jeff



loss.wk3

Handwritten calculations:

$$\begin{array}{r} 2.80 \\ \times 0.2 \\ \hline 5.60 \end{array}$$
$$\begin{array}{r} 2.08 \\ 2.25 \\ 5.60 \\ \hline 9.93 \end{array}$$
$$\begin{array}{r} 0.15 \\ 0.21 \\ 0.12 \\ 1.60 \\ \hline 2.08 \end{array}$$

LAVAR NEWMAN  
A32-DEU94

EB 6/30/99

EB 6/30/99



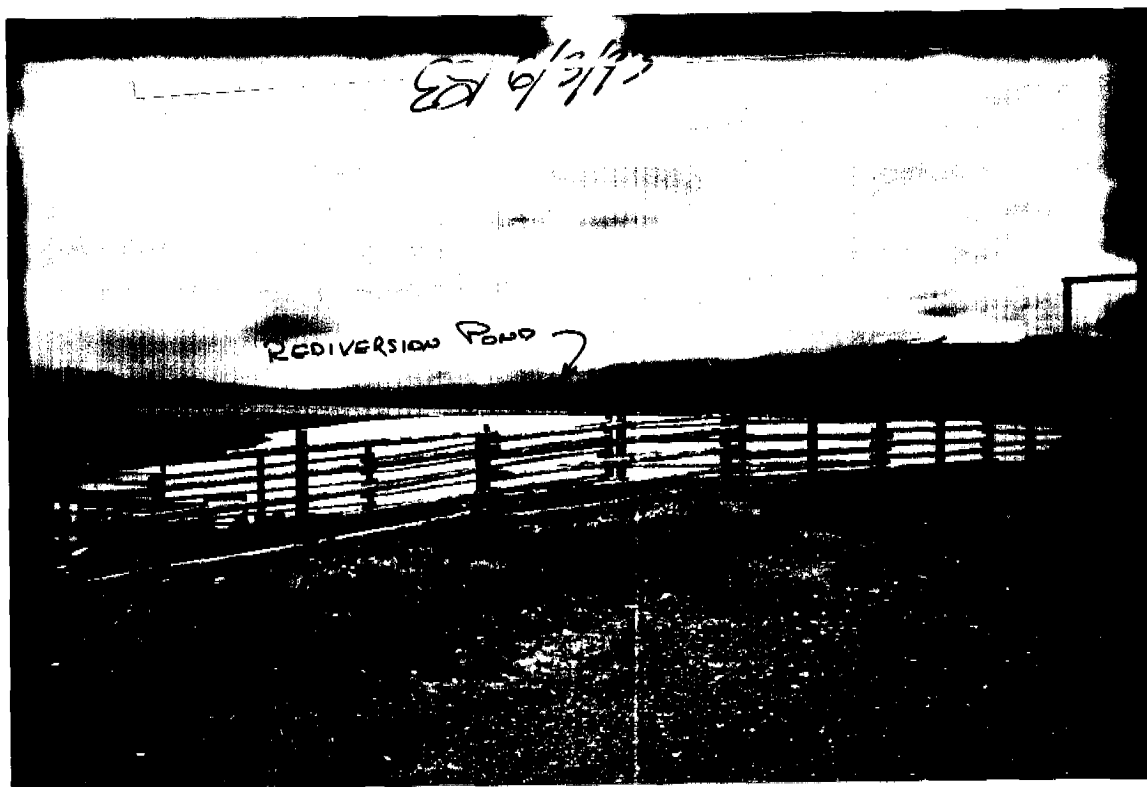
POINT OF DIVERSION FROM SMELTER GULCH



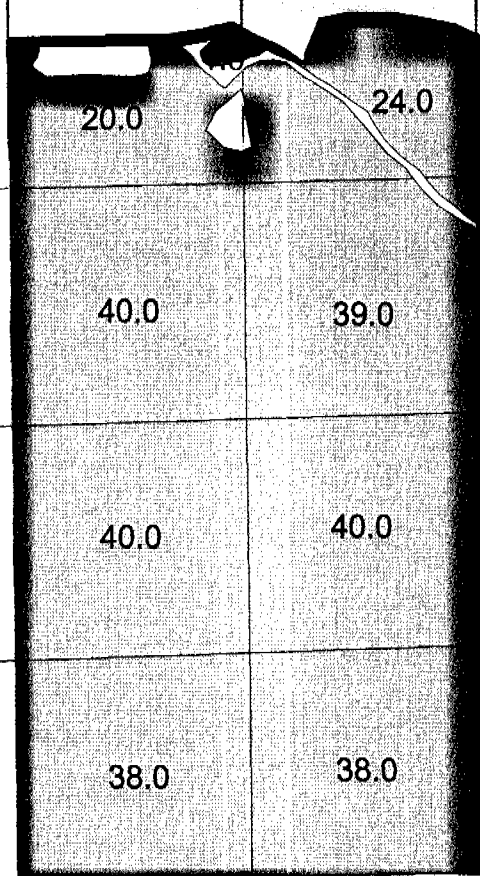
POWER  
GENERATOR -  
SMELTER GULCH  
SOURCE.

Ed 9/3/73

REDIVERSION POND



20



21

29

28

[illegible]

31/32  
6/5

here some



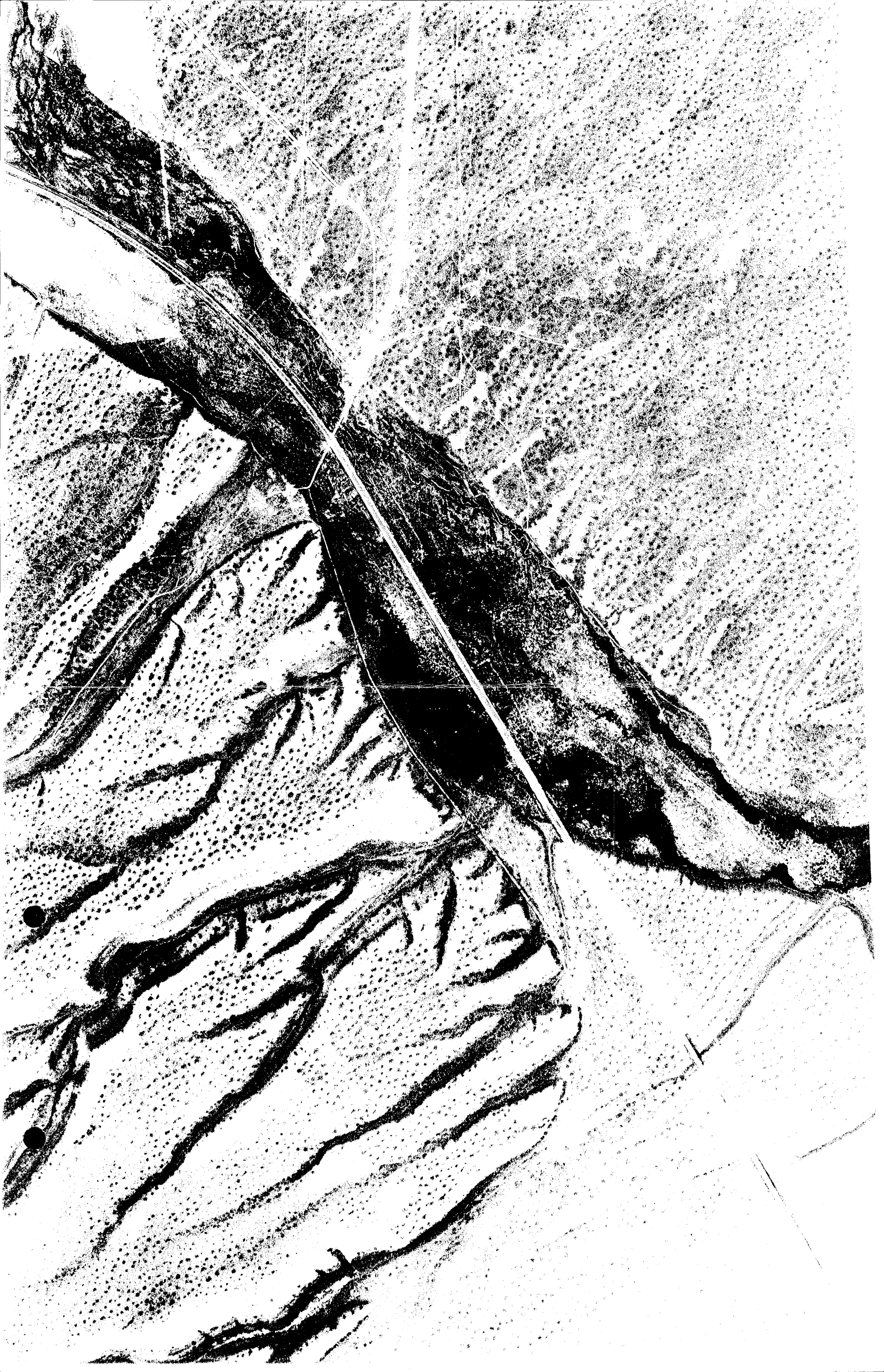






Sec 21

8146



560

T12,R20

B146

10-208

3/32  
6/5

Woe. Wom. W. 1/2

2398

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1  
GENERAL INFORMATION

|                                       |                                                                                                |
|---------------------------------------|------------------------------------------------------------------------------------------------|
| LAST: RANSON                          | FIRST: OLIVER                                                                                  |
| ADDRESS:                              |                                                                                                |
| CITY:                                 | STATE: ID ZIP: N/A                                                                             |
| PHONE NUMBER: 208-300-0000            |                                                                                                |
| OWNER CODE: C                         |                                                                                                |
|                                       |                                                                                                |
| LAST: NEWMAN                          | FIRST: LOLA MAR                                                                                |
| ADDRESS: 2941 NW 801 RD               |                                                                                                |
| CITY: MONTEVIEW                       | STATE: ID ZIP: 83435                                                                           |
| PHONE NUMBER: 208-657-2262            |                                                                                                |
| OWNER CODE: C                         |                                                                                                |
| FIELD EXAM REQUIRED?                  | FIELD EXAMINER                                                                                 |
| VERIFICATION REQUIRED DUE TO REMARKS? | DATABASE Y                                                                                     |
| CLAIM REMARKS:                        | P/O INCOMPLETE - ACRES LISTED 320.<br>SOURCE APPEARS TO BE SHELTER GULCH AS SHOWN ON USGS MAP. |

CONTACT PERSON: \_\_\_\_\_ PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_  
DATE OF FIELD EXAM: \_\_\_\_/\_\_\_\_/\_\_\_\_ APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_) TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)  
ACCOMPANIED BY: \_\_\_\_\_ PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / NOTES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A. AJ CLAIM: \* A32-00094 PRIORITY DATE: 11-06-1990 STAGE: D  
B. HR RECORD: \* 32-00094 PRIORITY DATE: 11-06-1990 STAGE: D  
C. FIELD EXAM REQUIRED?  
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N(X)  
IF YES EXPLAIN.

NOTES: *Priority claimed matches serial Kuno v. Roberts*  
*Recommended as claimed.*

RECOMMENDED PRIORITY DATE:  
11-06-1990

REVIEWED BY *SLB* DATE *7/8/04*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TAP | RCE | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY  |
|-----------|-----|-----|------|-----|-----|-----|-----|-------|
| A32-00094 | 12N | 29E | 1S   | SE  | SE  | SW  |     | LEMMI |

OTHER AJ CLAIMS WITH SAME AJ PDD  
A PREFIX R PREFIX  
A32-10123 NONE

AK RECORDS IN SAME 40 ACRE TRACT

32-07146

SOURCE: ~~NICHOLIA CREEK~~ *NICHOLIA CREEK (per diem)*  
YR18: BIRCH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

3200034 THERE IS NO PDD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: NICHOLIA CREEK  
SHELTER BULCH

YR18: BIRCH CREEK  
STVXS

C. FIELD SAAM REQUIRED?

| FIELD EXAMINER | DATABASE | Y | Y |
|----------------|----------|---|---|
|                |          |   |   |

DOE TO PDD DISCREPANCY? (Y/N)  
DOE TO SOURCE DISCREPANCY? (Y/N)

NOTES:

-----  
-----  
-----  
-----  
-----

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:  
TWP. R&E. SEC. 1/4 1/4 1/4

DIVERSION NAME

COUNTY

LOT

1/4

1/4

SOURCE:

TRIS:

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A32-00094

## B. POB LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME              | AJ<br>#ACRES     | AR<br>#ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|-------------------|------------------|--------------|-----------------|----------------|------------------|
| 12N         | 29E | 21  | S4  | NW  |     | RANSON, OLIVER    | A32-00094 720.0  | 32-00094 /   | 26.0            |                |                  |
|             |     |     | S4  | NW  |     | NEWMAN, L. LA VAR | A32-00095 720.0  | 32-00095 /   |                 |                |                  |
|             |     |     | S4  | NW  |     | RANSON, OLIVER    | A32-00096 720.0  | 32-00096 /   |                 |                |                  |
|             |     |     | S4  | NW  |     | NEWMAN, L. LA VAR | A32-10125 720.0  | - /          |                 |                |                  |
| 12N         | 29E | 21  | SE  | NW  |     | RANSON, OLIVER    | A32-00094 720.0  | 32-00094 /   | 24.0            |                |                  |
|             |     |     | SE  | NW  |     | NEWMAN, L. LA VAR | A32-00095 720.0  | 32-00095 /   |                 |                |                  |
|             |     |     | SE  | NW  |     | RANSON, OLIVER    | A32-00096 720.0  | 32-00096 /   |                 |                |                  |
|             |     |     | SE  | NW  |     | NEWMAN, L. LA VAR | A32-10125 /      | - /          |                 |                |                  |
|             |     |     | SE  | NW  |     | NEWMAN, L. LA VAR | A32-10125 720.0  | - /          |                 |                |                  |
|             |     |     | SE  | NW  |     | NEWMAN, L. LA VAR | A32-10125 /      | - /          |                 |                |                  |
|             |     |     | SE  | NW  |     | NEWMAN, L. LA VAR | A32-10125 /      | 32-07146 /   |                 |                |                  |
| 12N         | 29E | 21  | NE  | SW  |     | RANSON, OLIVER    | A32-00094 740.0  | 32-00094 /   | 38.0            |                |                  |
|             |     |     | NE  | SW  |     | NEWMAN, L. LA VAR | A32-00095 740.0  | 32-00095 /   |                 |                |                  |
|             |     |     | NE  | SW  |     | RANSON, OLIVER    | A32-00096 740.0  | 32-00096 /   |                 |                |                  |
|             |     |     | NE  | SW  |     | NEWMAN, L. LA VAR | A32-10125 740.0  | - /          |                 |                |                  |
| 12N         | 29E | 21  | N4  | SW  |     | RANSON, OLIVER    | A32-00094 740.0  | 32-00094 /   | 40.0            |                |                  |
|             |     |     | N4  | SW  |     | NEWMAN, L. LA VAR | A32-00095 740.0  | 32-00095 /   |                 |                |                  |
|             |     |     | N4  | SW  |     | RANSON, OLIVER    | A32-00096 740.0  | 32-00096 /   |                 |                |                  |
|             |     |     | N4  | SW  |     | NEWMAN, L. LA VAR | A32-10125 740.0  | - /          |                 |                |                  |
| 12N         | 29E | 21  | S4  | SW  |     | RANSON, OLIVER    | A32-00094 740.0  | 32-00094 /   | 40.0            |                |                  |
|             |     |     | S4  | SW  |     | NEWMAN, L. LA VAR | A32-00095 740.0  | 32-00095 /   |                 |                |                  |
|             |     |     | S4  | SW  |     | RANSON, OLIVER    | A32-00096 740.0  | 32-00096 /   |                 |                |                  |
|             |     |     | S4  | SW  |     | NEWMAN, L. LA VAR | A32-10125 740.0  | - /          |                 |                |                  |
| 12N         | 29E | 21  | SE  | SW  |     | RANSON, OLIVER    | A32-00094 740.0  | 32-00094 /   | 37.0            |                |                  |
|             |     |     | SE  | SW  |     | NEWMAN, L. LA VAR | A32-00095 740.0  | 32-00095 /   |                 |                |                  |
|             |     |     | SE  | SW  |     | RANSON, OLIVER    | A32-00096 740.0  | 32-00096 /   |                 |                |                  |
|             |     |     | SE  | SW  |     | NEWMAN, L. LA VAR | A32-10125 740.0  | - /          |                 |                |                  |
| 12N         | 29E | 28  | NE  | NW  |     | RANSON, OLIVER    | A32-00094 740.0  | 32-00094 /   | 35.0            |                |                  |
|             |     |     | NE  | NW  |     | NEWMAN, L. LA VAR | A32-00095 740.0  | 32-00095 /   |                 |                |                  |
|             |     |     | NE  | NW  |     | RANSON, OLIVER    | A32-00096 740.0  | 32-00096 /   |                 |                |                  |
|             |     |     | NE  | NW  |     | NEWMAN, L. LA VAR | A32-10125 740.0  | - /          |                 |                |                  |
| 12N         | 29E | 28  | N4  | NW  |     | RANSON, OLIVER    | A32-00094 740.0  | 32-00094 /   | 40.0            |                |                  |
|             |     |     | N4  | NW  |     | NEWMAN, L. LA VAR | A32-00095 740.0  | 32-00095 /   |                 |                |                  |
|             |     |     | N4  | NW  |     | RANSON, OLIVER    | A32-00096 740.0  | 32-00096 /   |                 |                |                  |
|             |     |     | N4  | NW  |     | NEWMAN, L. LA VAR | A32-10125 740.0  | - /          |                 |                |                  |
| TOTAL ACRES |     |     |     |     |     |                   | A32-00094 280.00 |              | 280.00          |                |                  |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y ( ) N ( )  
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

**FIELD  
EXAMINER**

POU COUNTY: LEWIS

**DUE TO POLYDISCREPANCY? (Y/N)**

**DATA BASE**  
**Y**

**PRESUMPTION FLAG:**

NOTES

**RECOMMENDATIONS:**

**TOTAL ACRES:**

REVIEWED BY:

# DATE

4/15-10/15

1 y/s  
file separate  
claim for 3/60

A. AJ CLAIMED USES:

PURPOSES  
A32-00094 IRRIGATION  
A32-00094 STOCKWATER

FROM 84-31 TO 11-01  
FROM 84-31 TO 11-02

DIVERSION QUANTITY  
1.000 CFS  
1.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.000 CFS

B. WR RECORDED USES:

PURPOSES  
32-00094 IRRIGATION

FROM MONTH/DAY TO  
MONTH/DAY

DIVERSION QUANTITY  
1.000 CFS  
1.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)  
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)  
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD  
DATABASE EXAMINER  
Y  
Y  
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y( ) N( )

RECOMMEND TO WR STANDARDS OR OTHER?

Y( ) N( )

EXPLAIN IN NOTES, BELOW

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y( ) N( )

AJ TOTAL CLAIMED DIVERSION RATE: 1.000 CFS  
 AR ROOT RIGHT TOTAL DIVERSION RATE: 1.000 CFS

\*\*\* IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. \*\*\*  
 \*\* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS \*\*  
 \*\* CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. \*\*

FLOW MEASUREMENT REQUIRED?

FIELD  
 DITBASE EXAMINER  
 Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FLOW MEASUREMENT

MEASUREMENT METHOD SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y( ) N( ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 52-0085, 5 0096.

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

| CLAIM NO. | SOURCE           | NAME              | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|------------------|-------------------|-----------|----------------|-----------|----------------|
| AS2-00094 | SHELTER GULCH    | RANSON, OLIVER    | 1.000     | 0.003          |           |                |
| AS2-00095 | NORTH JUMP CREEK | NEWMAN, L. LA VAR | 5.500     | 0.020          |           |                |
| AS2-00096 | SOUTH JUMP CREEK |                   |           |                |           |                |
| AS2-00096 | WILLOW CREEK     | RANSON, OLIVER    | 3.200     | 0.011          |           |                |
| AS2-10125 | UNNAMED SPRING   | NEWMAN, L. LA VAR | 1.000     | 0.003          |           |                |

LIST ALL RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME              | MONTH/DAY           | RATE     | VOLUME |
|-----------|------------|-------------------|---------------------|----------|--------|
| AS2-00094 | STOCKWATER | RANSON, OLIVER    | FROM 04-01 TO 11-01 | .070 CFS |        |
| AS2-10125 | STOCKWATER | NEWMAN, L. LA VAR | FROM 11-02 TO 03-30 | .070 CFS |        |
| AS2-10125 | DOMESTIC   | NEWMAN, L. LA VAR | FROM 01-01 TO 12-31 | .040 CFS |        |

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1B. CALCULATIONS

1A. IRRIGATION RATE X 0.02 CFS/ACRE = CFS  
ACRES (TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

SEE IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( )

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 730.0 AF/A

ACRES X CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES X DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( )  
P/D INCOMPLETE - ACRES LISTED 320.  
SOURCE APPEARS TO BE SHELTER GULCH.

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | REC. DIV<br>V3L. NF/A | REC. COMS.<br>USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
|                      |                        | DATABASE EXAMINER    | DATABASE EXAMINER     | DATABASE EXAMINER |
|                      |                        |                      |                       |                   |
|                      |                        |                      |                       |                   |
| TOTAL FOR THIS RIGHT |                        |                      |                       |                   |

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ( )  
NEEDS REVIEW ( )

OWNERSHIP FOR-EXIT/ABANDON  
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 32-00094

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | A32-00094             | 1.000          | -                      | -             | 32-00094         | 1.000          |
| TOTAL CFS         |                       | 1.000          |                        |               |                  | 1.000          |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, IS THE WRITEN REVIEW SHEET ATTACHED? (Y/N)

FIELD EXAMINER  
DATABASE Y

NOTES:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   |                                                 |                            |                        |                     |                                  |                                      |                               |
| POINT OF DIV              | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PURPOSES                  | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| BASIS OF CLAIM            |                   |                                                 |                            |                        |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |

\*VERIFIED BY CODES

- TOPO MAP/ORTHO-PQ = 1
- RCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.



09/26/2000

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-94

NAME AND ADDRESS: LA VAR NEWMAN  
2941 N 800 E  
MONTEVIEW, ID 83435

SOURCE: SMELTER GULCH CREEK      TRIBUTARY: Birch Creek

QUANTITY: 1 CFS

~~THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.~~  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.80 CFS. THROUGH JULY 15 AND 8.78 CFS. AFTER JULY 15. COMBINED RIGHTS: 32-00095, 32-00096, 32-10125

PRIORITY DATE: 11/06/1890

POINT OF DIVERSION: T12N R29E S16      SESESW      Within LEMHI County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION     | 5-01 10-31    | 1.00 CFS |
| STOCKWATER     | 1-01 12-31    | 0.07 CFS |

PLACE OF USE:

| IRRIGATION Within LEMHI County |      |    |                                 |
|--------------------------------|------|----|---------------------------------|
| T12N R29E S21                  | SWNW | 21 | T12N R29E S21      SENW      24 |
| T12N R29E S21                  | NESW | 39 | T12N R29E S21      NWSW      40 |
| T12N R29E S21                  | SWSW | 40 | T12N R29E S21      SESW      40 |
| T12N R29E S28                  | NENW | 38 | T12N R29E S28      NWNW      38 |
| 280 ACRES TOTAL                |      |    |                                 |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00095, 32-00096, 32-10125

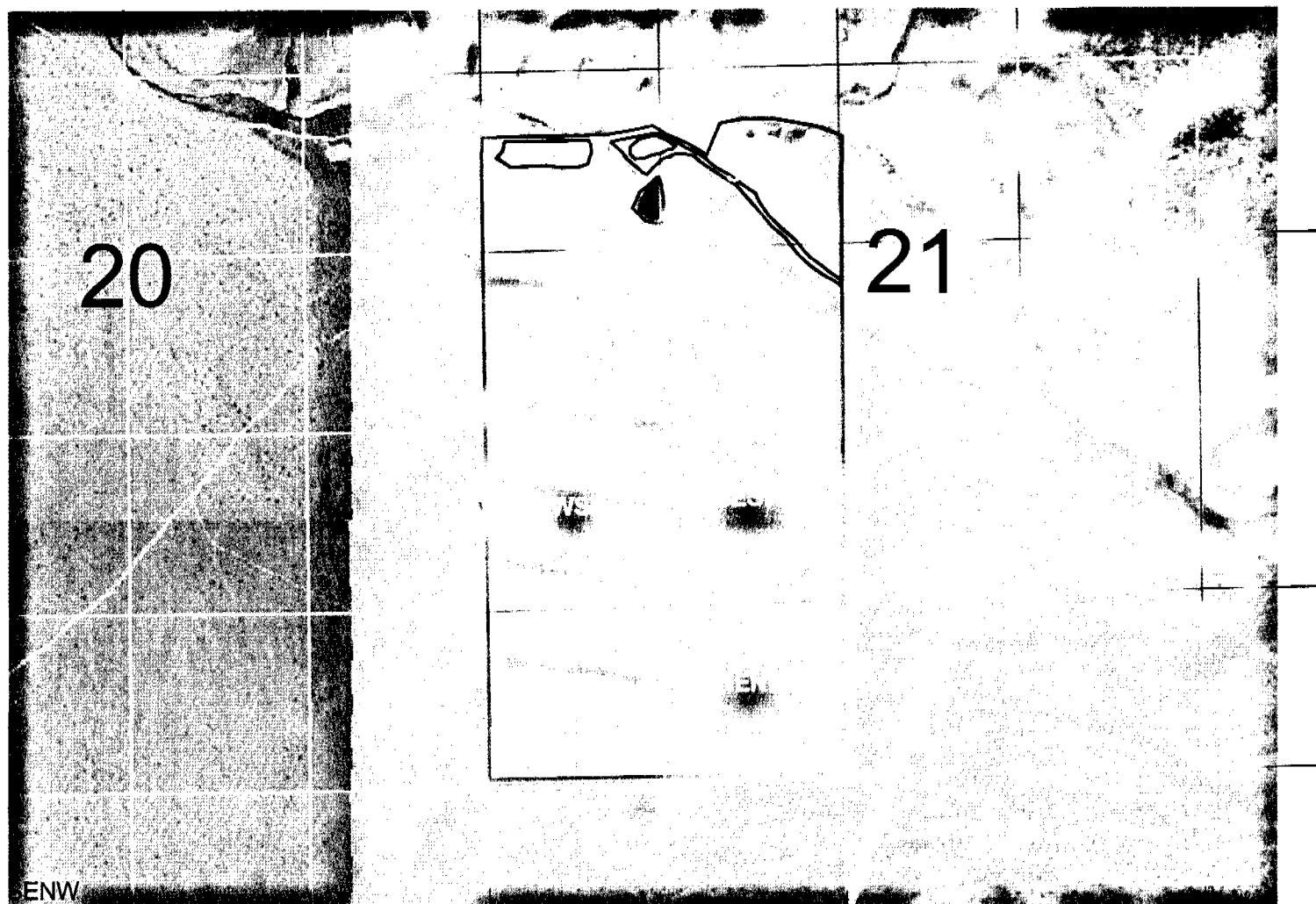
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

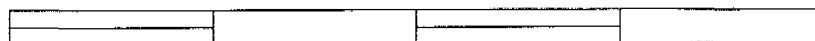
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Nos. 32-00094, 32-00095 and 32-00096



0 1320 2640 3960 5280 Feet



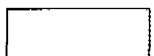
Township 12N Ranges 28E  
Acres Irrigated: 280



Place of Use  
Boundary



Section Lines



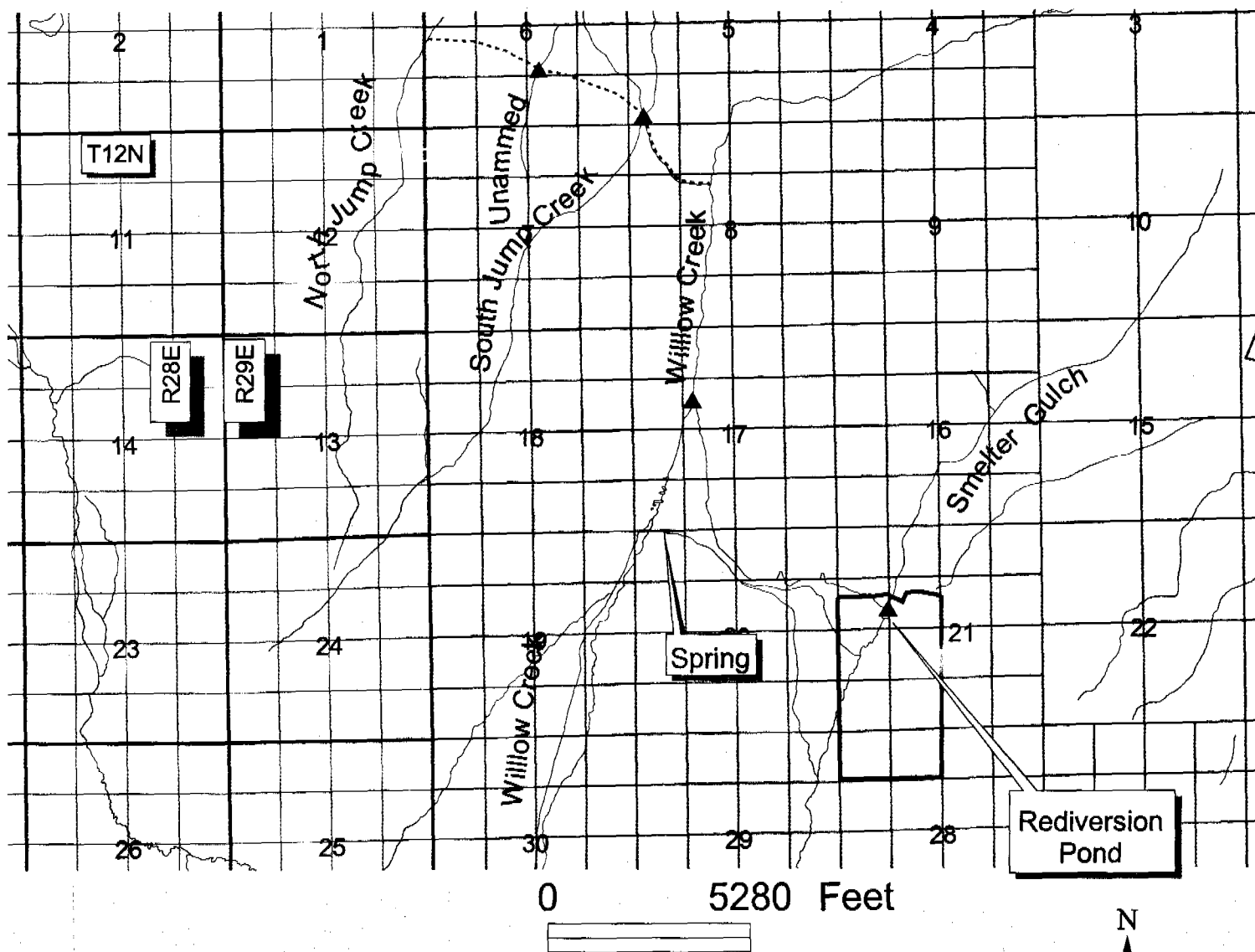
Quarter/Quarter Lines



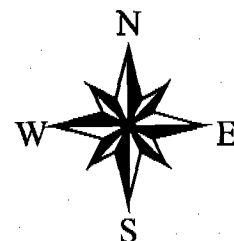
GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: April, 1999

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Nos. 32-00094, 32-00095 and 32-00096



**Township 12N Ranges 28E & 29E**  
**Acres Irrigated: ~~296~~  
280**

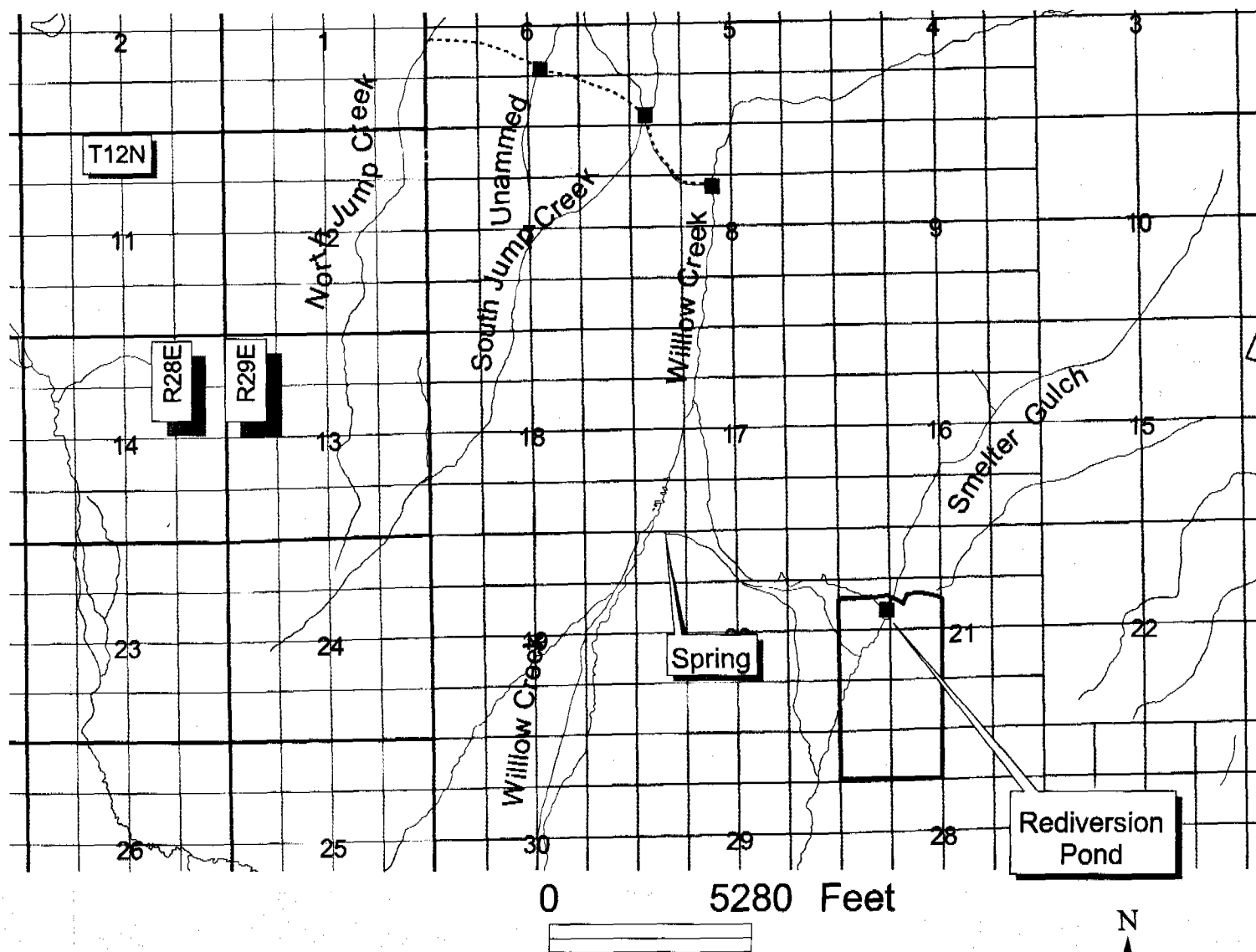


GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: April, 1999

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Nos.

**32-00094, 32-00095 and 32-00096**



-  Point of Injection Location
-  Place of Use Boundary
-  Section Lines
-  Quarter/Quarter Lines

**Township 12N Ranges 28E & 29E**  
**Acres Irrigated: 288**  
**288**

GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: Eric S. Verner  
Date: April, 1999

Water Right Number - R32-00094

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +  
\*\*\* C - CURRENT OWNER \*\*\*  
RANSOM OLIVER

NEWMAN

L LA VAR

1 - 2951 N 800 E  
2 -  
3 -  
City- MONTEVIEW State- ID Zip- 83435  
Phone - 208-000-0000  
1 - 2941 N 800 E  
2 -  
3 -  
City- MONTEVIEW  
Phone - 208-657-2252 State- ID Zip- 83435+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
11/06/1890 15 EASTERN D - DECREEDSource - - - - - +  
SMELTER GULCHTributary - - - - - +  
BIRCH CREEK+ - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
12N 29E 16 SE SE SW (59) LEMHI+ - - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 05/01 10/31 1.000  
04 - STOCKWATER 01/01 12/31 0.070+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +  
1.000 0.0+ - - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
12N 29E 21 SW NW 21.0 01 IRRIGATION (59) LEMHI  
12N 29E 21 SE NW 24.0 01 IRRIGATION (59) LEMHI  
12N 29E 21 NE SW 39.0 01 IRRIGATION (59) LEMHI  
12N 29E 21 NW SW 40.0 01 IRRIGATION (59) LEMHI  
12N 29E 21 SW SW 40.0 01 IRRIGATION (59) LEMHI  
12N 29E 21 SE SW 40.0 01 IRRIGATION (59) LEMHI  
12N 29E 21 NE SW 38.0 01 IRRIGATION (59) LEMHI  
12N 29E 28 NW NW 38.0 01 IRRIGATION (59) LEMHI  
Total Acres: 280.0

+ - - Diversion Means - HEADGATE IN SMELTER GULCH TO PIPELINE TO GRAVITY FLOW SPRINKERS

+ - - Non-Irrigation Use - STOCKWATER 300 HEAD OF RANGE CATTLE

Water right number - R32-00094 Prefix Translation: RESEARCH

- - - Other Rights for Same Use - 32-0095, & 0096, 32-10125

QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 9.80 CFS. THROUGH JULY 15 AND  
8.78 CFS. AFTER JULY 15. COMBINED RIGHTS: 32-00095,  
32-00096, 32-10125.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00095,  
32-00096, 32-10125.

- - - No Old Water Right Numbers Found

- - - Conditions of Approval -  
No Conditions of Approval found.

- - - Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - +  
AGNES B. REMO, ET. AL. J. R. RICHARDS, ET. AL. 00/00/0000

- - - Date: 07/30/1999 User Id: BCONTOR Subject: COPIED FROM REMARKS  
P/D INCOMPLETE - ACRES LISTED 320. SOURCE APPEARS TO BE SMELTER GULCH AS SHOWN ON USGS MAP.  
Date: 07/30/1999 User Id: BCONTOR Subject: POD  
POD, DIVERSION WORKS, CHANGED PER FIELD EXAM BY E. VERNER 6/99.

- - - Audit Fields - - - +  
07/30/99 BCONTOR

| Adjudication Rights Dates and Flags Area |              |                         |              |
|------------------------------------------|--------------|-------------------------|--------------|
| Court Report Filing                      | - 00/00/0000 | Field Inspection Made   | - 00/00/0000 |
| Objection Filed Date                     | - 00/00/0000 | Field Inspection Flag   | -            |
| Response filed Date                      | - 00/00/0000 | Verified Date           | - 00/00/0000 |
| Claim Received Date                      | - 07/22/1988 | Last Amended Date       | - 00/00/0000 |
|                                          |              | Receipt Number          | - E000857    |
|                                          |              | POU Ownership Flag      | - Y          |
|                                          |              | Name Connector          | - AND/OR     |
|                                          |              | Civil Case Number       | - 39576      |
|                                          |              | Old Case Number         | -            |
|                                          |              | Old Judicial District   | -            |
|                                          |              | Temporary Right         | - P          |
|                                          |              | Water District          | - 320        |
|                                          |              | Federal/State Indicator | - S          |
|                                          |              | Presumption Flag        | -            |
|                                          |              | Notice of Error Flag    | -            |

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: A32-00094  
Date Received: 7/22/1988  
Receipt No: 6000857  
Received By: SBT

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: OLIVER RANSOM  
Address:

N/A, ID

N/A

AND/OR

Name: L. LA VAR NEWMAN  
Address: 2941 N. 800 E.  
MONTEVIEW, ID

208-657-2252

83435

2. Date of Priority: NOV 06, 1890

3. Source: SMELTER GULCH

Trib. to: BIRCH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 12N      | 29E   | 16      | SE     | SE     | SW  |     | LEMHI  |

5. Description of diverting works:

HEADGATE IN WILLOW CREEK TO PIPELINE TO GRAVITY FLOW SPRINKERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.000  |      |        |
| STOCKWATER | 04/01 | 11/01 | 0.070  |      |        |

7. Total Quantity Appropriated is:  
1.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 700.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER 300 HEAD OF RANGE CATTLE

A32-00094

Page

1

Date: 07/22/88

*originals  
sent  
to  
Court  
12/29*

MICROFILMED

NOV 18 1992

10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 12N      | 29E   | 21      | SW            |    | NW  |     | IRR | 20.0  |
|          |       |         | SE            |    | NW  |     | IRR | 20.0  |
|          |       |         | NE            |    | SW  |     | IRR | 40.0  |
|          |       |         | NW            |    | SW  |     | IRR | 40.0  |
|          |       |         | SW            |    | SW  |     | IRR | 40.0  |
|          |       |         | SE            |    | SW  |     | IRR | 40.0  |
|          |       |         | Section Acres |    |     |     |     | 200.0 |
|          |       | 28      | NE            |    | NW  |     | IRR | 40.0  |
|          |       |         | NW            |    | NW  |     | IRR | 40.0  |
|          |       |         | Section Acres |    |     |     |     | 80.0  |
|          |       |         | Total Acres   |    |     |     |     | 280.0 |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:  
32-0095, & 0096.

14. Remarks:  
P/D INCOMPLETE - ACRES LISTED 320.  
SOURCE APPEARS TO BE SMELTER GULCH AS SHOWN ON USGS MAP.

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

AGNES B. RENO, ET. AL.  
Decree Plaintiff

vs

J. R. RICHARDS, ET. AL.  
Decree 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   x   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:   1  

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

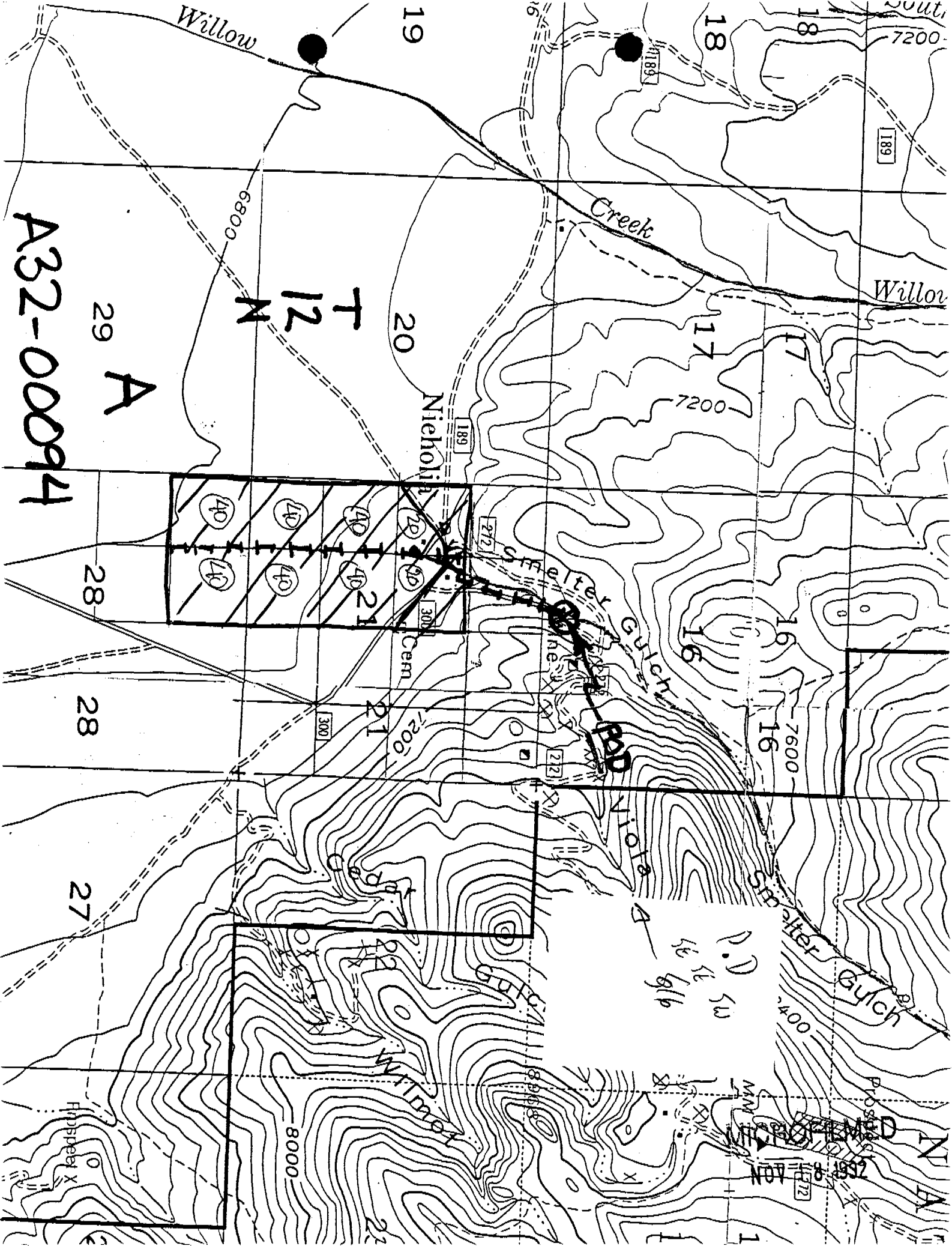
Signature of Claimant(s): *Louise Newman* Date: *22 July 1988*  
*Louise Newman* Date: *July 22, 1988*

State of Idaho )  
County of *Bonneville* ) SS.

Subscribed and sworn (or affirmed) before me this   22   day  
of *July* 19   88    
*Ernest Carlson*  
Notary Public

Seal

Residing at *Blado Falls, ID*  
My Commission Expires *14 June 1994*



A32-00094

T 12 N

A

PROPOSED  
MICROFILMED  
2007-8-18  
N.A.