

NOV 04 2008

**DEPARTMENT OF
WATER RESOURCES**

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

TO: CLERK OF THE COURT - SNAKE RIVER BASIN ADJUDICATION

FROM: DANIEL V. STEENSON **DATE: 11/3/08**

RE: Water Right No. 72-16785

1. Original and Copy of: Late Notice of Claim to a Water Right.

☐ FOR YOUR INFORMATION	☒ FILE ORIGINAL & CONFORM COPY
☐ FOR YOUR FILE	☐ PLEASE REPLY FOR MY SIGNATURE
☐ PLEASE FILE	☐ PLEASE ANSWER AND SEND COPY OF LETTER TO ME
☐ IN ACCORDANCE WITH YOUR REQUEST	☐ PLEASE RECORD AND RETURN
☐ PLEASE COMMENT	☐ RUSH
☐ PLEASE SIGN AND RETURN	☐ AS PER OUR PHONE CONVERSATION
☐ PLEASE TELEPHONE/SEE ME	☐ PLEASE REVIEW AND CALL TO DISCUSS

REMARKS: Clerk: As previously advised that the enclosed document would be forthcoming, by our letter of October 30, 2008, please file the original and return the conformed copy to me in the enclosed pre-paid envelope. Thank you, Katie Moser.

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 72-16785
Date Received _____
Receipt Number _____

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

RECEIVED

NOV 04 2008

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly

1. Name of Claimant(s) Archie Sherwood Phone (208) 838-2395
Mailing Address PO Box 163, Clayton, Idaho Zip 83227

2. Date of Priority only (1) per claim) April 1, 1930

3. Source of water supply (a) Salmon River, East Fork

which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 10N Range 18E Section 13,
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Govt. Lot, _____ B.M., County of Custer (aka EF-4)

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$,

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

ending point is: Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____

_____ $\frac{1}{4}$, 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 enlargement in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. There is one (1) diversion works covered by this claim,
designated as EF-4. The diversion has a headgate in the East Fork of the Salmon River, and diverts water into a
ditch that has a fish screen installed by the Idaho Department of Fish and Game. The diversion is described in
greater detail in the Affidavit of Archie Sherwood in Support of Motion to File Late Notice of Claim.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation (conveyance loss) purposes from 4/1 to 10/31 amount 6.54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

Last Name Sherwood Ident. Number 72-16785

COPY

7. Total quantity claimed (a) 6.54 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is N/A acre fee per annum.
9. Non-Irrigation uses; describe fully (e.g. Domestic: Give number of households served; Stockwater Type and number of livestock etc.) This water right is for conveyance losses in conveying water from the point of diversion to the place of use. There is no consumptive use associated with this claim.
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.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	18E	12			8						3.2			6.5		20	11		48.7
10N	18E	13					14												14

Total number of acres irrigated 62.7

11. In which county(ies) are lands listed above as place of use located? Custer
12. Do you own the property listed above as place of use? Yes X No _____
13. Describe any other water rights used a the same place and for the same purposes as described above.
72-228A and 72-229
 _____ or None ()
14. Remarks:

The maximum combined diversion for irrigation and conveyance loss at each point of diversion under the claimants water rights is limited as follows (see Exhibit A):

EF-4: this claim, 72-228A and 72-229 = 8.10 cfs

Last Name Sherwood Ident. Number 72-16785

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 _____

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

Signature of Claimant (s) Daniel V. Steenson Date

October 30, 2008 Date

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.

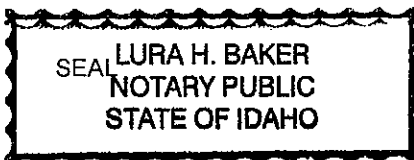
Signed of Authorized Agent

Title and Organization _____ Date

State of Idaho/or _____)

County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 30th day of October 2008



Notary Public Lura H. Baker

Residing at Clayton, ID

My Commission Expires 12-12-09

16. Notice of Appearance:

Notice is hereby given that I, Daniel V. Steenson will be acting as attorney at law on behalf of the claimant signing above, and 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 Daniel Steenson

Address P.O. Box 2773, Boise, Idaho 83701

Date 11-3-08

EF-4 Water Rights, Claims & Measurements

EF-4 conveyance loss total:

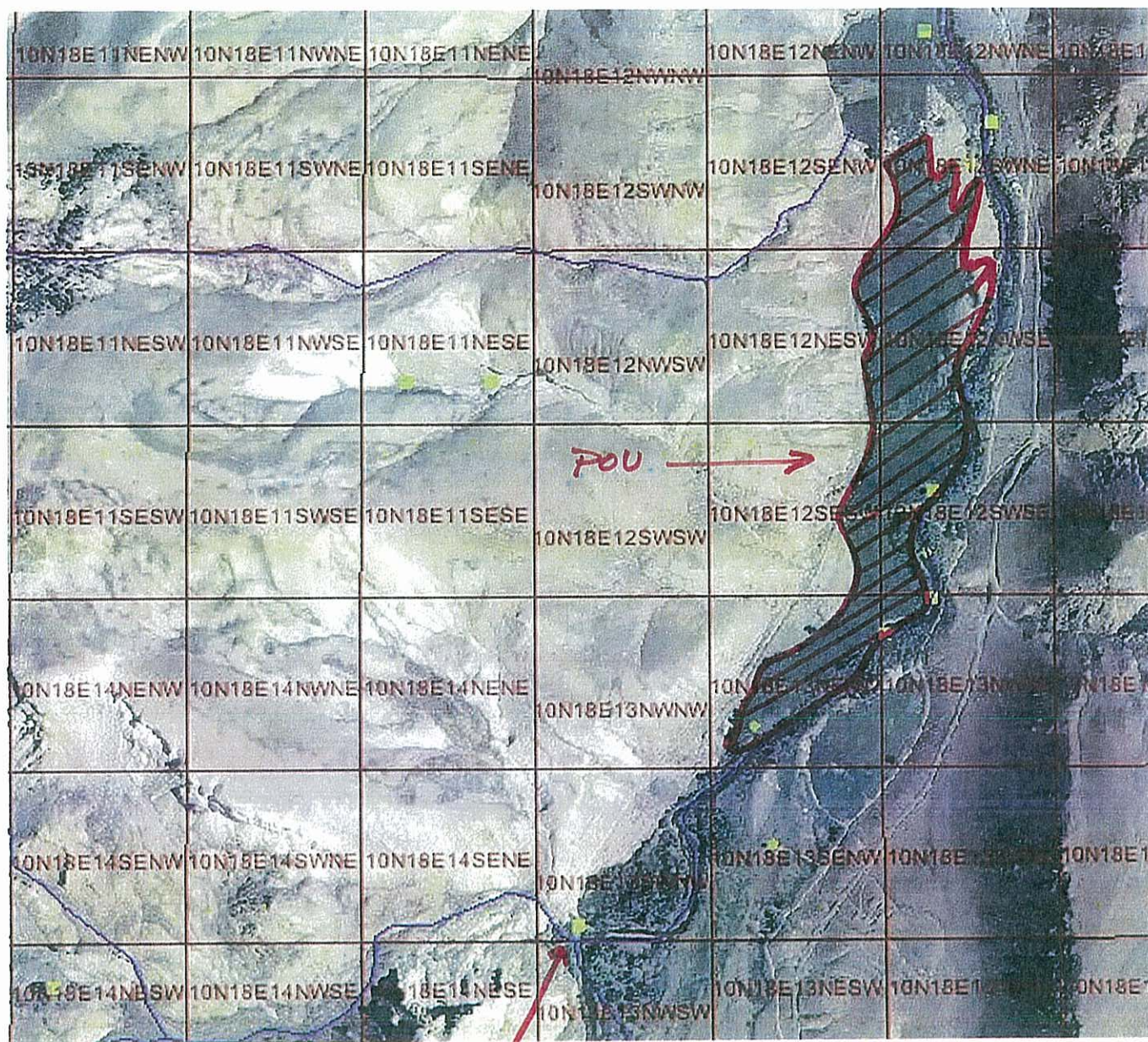
$$24.00 \text{ cfs (IDFG)} - 5.42 \text{ cfs (decrees)} = \mathbf{18.58 \text{ cfs}}$$

<u>Decrees</u>	<u>Rates</u>	<u>Decrees</u>	<u>%¹</u>	<u>Conveyance</u>		<u>Total</u>	<u>Ditch Measurements</u>
		<u>Total</u>		<u>Total</u>	<u>Claims</u>		<u>IDFG</u>
72-00226A (Ingram)	4.63 cfs						24.00 cfs
72-00227A (Ingram)	<u>.48 cfs</u>						
	55% x <u>5.11 cfs</u>	<u>= 2.81 cfs²</u>	.6343	x 18.58 cfs	= 11.79 cfs + 2.81 cfs	= 14.60 cfs	
72-00228A (Sherwood)	1.26 cfs						
72-00229 (Sherwood)	<u>.30 cfs</u>	<u>1.56 cfs</u>	.3521	x 18.58 cfs	= 6.54 cfs + 1.56 cfs	= 8.10 cfs	
72-00228B (Anderson)	.06 cfs						
72-10538 (Idaho)	<u>.80 cfs</u>	<u>0.86 cfs</u>				<u>0.86 cfs</u>	
All Rights total:		5.23 cfs	+		18.33 cfs	23.56 cfs	

Exhibit A

¹For purposes of apportioning conveyance losses to the Ingram and Sherwood diversions, this is the percentage which the owner's diversion bears to the total irrigation EF-4 diversions (water right no. 72-10538, for bypass flow through the IDFG fish screen, is not included in this calculation.

²Ingrams' water rights are diverted through EF-3 and EF-4. Conveyance loss is apportioned to Ingrams' based upon their diversion of 55% of these water rights at EF-4 to irrigate approximately 55% of the acres within the place of use.



EF-4 POD
For Water Right Nos. 72-002284
72-00229

Exhibit B