

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 37-1201A
Date Received: 5/9/1996
Receipt No: S019115
Received By:

AMENDED CLAIM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JULIE BEAUDET

Phone: (208)720-1303

336 BAYHORSE RD
BELLEVUE ID USA 83313

DEAN BEAUDET

Phone: (208)720-1303

336 BAYHORSE RD
BELLEVUE ID USA 83313

2. Date of Priority: 07/21/1880

3. Source: SEAMANS CREEK

Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	19E	31	SW NE	BLAINE	

5. Description of diverting works:

PUMP IN STREAM TO PASTURE AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.12	

7. Total Quantity Appropriated is:
0.12 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
02N	19E	31	SW NE	IRRIGATION	6

37-1201A

Section Acres 6

10/31/2011

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

RT. FOR ENTIRE FLOW LESS 3.0 CFS EVERY 3RD WEEK IN ROTATION.
NO PRIORITY LISTED; 5/14/1909 IS DATE OF DECREE.
P/D NOT IN DECREE BUT DETERMINED FROM USGS MAP.
***** PROPERTY ALSO KNOWN AS MULDOON RANCH SUBDIVISION NO 2 LOTS 34 AND 35A.

10-31-2011 amended claim for priority date.

15. Basis of Claim: Decreed

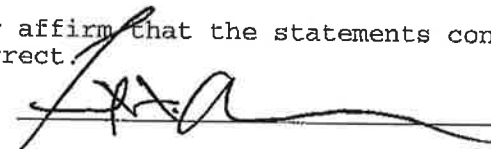
16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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):  Date: 11/22/11

Date: _____

COPY

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF

Ident. Number: **A37-01201A**
Date Received: 5/ 9/1996
Receipt No: S019115
Received By: KKC

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

1. Name: DEAN BEAUDET 208-788-9461
Address: PO BOX 1745
HAILEY ID 83333

AND/OR

Name: JULIE BEAUDET 208-788-9461
Address: PO BOX 1745
HAILEY ID 83333

2. Date of Priority: MAY 14, 1909

3. Source: SEAMANS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	19E	31	SW	NE			BLAINE

5. Description of diverting works:
PUMP IN STREAM TO PASTURE AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	19E	31	SW	NE		IRR	6.0

Section Acres 6.0

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

RT. FOR ENTIRE FLOW LESS 3.0 CFS EVERY 3RD WEEK IN ROTATION.
NO PRIORITY LISTED; 5/14/1909 IS DATE OF DECREE.
P/D NOT IN DECREE BUT DETERMINED FROM USGS MAP.

PROPERTY ALSO KNOWN AS MULDOON RANCH SUBDIVISION NO 2 LOTS 34 AND 35A.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/14/1909

JOSLYN
Decree Plaintiff

DALY & CAMPBELL (INTERVENOR)
vs 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.

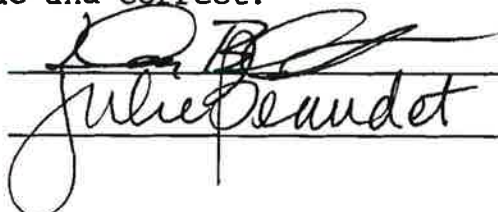
Number of attachments:

For Individuals:

MICROFILMED

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

Signature of Claimant(s):



Date: 5-9-96

Date: 5-9-96

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of May 19 96

Seal

Kelly L. Christensen
Notary Public

Residing at Kimberly Rd

My Commission Expires 3-2-98

MICROFILMED

NOV 22 1996

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF

Ident. Number: **A37-01201A**
Date Received: 5/ 9/1996
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Address: PO BOX 1745
HAILEY ID 83333

AND/OR

Name: JULIE BEAUDET 208-788-9461
Address: PO BOX 1745
HAILEY ID 83333

2. Date of Priority: MAY 14, 1909

3. Source: SEAMANS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	19E	31	SW	NE			BLAINE

5. Description of diverting works:
PUMP IN STREAM TO PASTURE AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	19E	31	SW	NE		IRR	6.0
Section Acres							6.0

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

RT. FOR ENTIRE FLOW LESS 3.0 CFS EVERY 3RD WEEK IN ROTATION.
NO PRIORITY LISTED; 5/14/1909 IS DATE OF DECREE.
P/D NOT IN DECREE BUT DETERMINED FROM USGS MAP.

PROPERTY ALSO KNOWN AS MULDOON RANCH SUBDIVISION NO 2 LOTS 34 AND 35A.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/14/1909

JOSLYN

Decree Plaintiff

DALY & CAMPBELL (INTERVENOR)

vs 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.

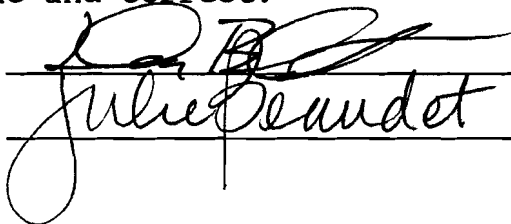
Number of attachments: _____

For Individuals:

MICROFILMED

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

Signature of Claimant(s):



Date: 5-9-96

Date: 5-9-96

MICROFILMED

Date: 05/09/96
NOV 22 1996

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of May 19 96

Seal

Kelly K. Christensen
Notary Public

Residing at Kimberly Rd

My Commission Expires 3-2-98

MICROFILMED
NOV 22 1996

In Re SRBA	)	Subcase No.: 37-1201A
	)	(Formerly Disallowed)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

STANDARD FORM 5

09/15/2010

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

RIGHT NUMBER: 37-1201A

NAME AND ADDRESS: JULIE BEAUDET
336 BAYHORSE RD
BELLEVUE ID 83313

DEAN BEAUDET
336 BAYHORSE RD
BELLEVUE ID 83313

KC

SOURCE: SEAMANS CREEK

TRIBUTARY: SINKS

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/14/1909

POINT OF
DIVERSION:

T02N R19E S31 SE3/4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R19E S31

SWNE 3.50

3.5 ACRES TOTAL

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: BASIS OF CLAIM - Decreed

09/15/2010

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

RIGHT NUMBER: 37-1201A

NAME AND ADDRESS: JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

DEAN BEAUDET
PO BOX 1745
HAILEY ID 83333

VERIFIED BY KKC
9-15-10

*address
chg needed*

SOURCE: SEAMANS CREEK

TRIBUTARY: SINKS

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/14/1909

POINT OF
DIVERSION:

T02N R19E S31 SESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R19E S31 SWNE 3.50

3.5 ACRES TOTAL

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: BASIS OF CLAIM - Decreed

9-15-10

37-1201A Beaudet

Possible trial date. Apr 15th

Mar ~~30~~ pre trial 3:30

Nov. 10 status Conf. 10:00 AM.

Trial Apr 15 @ 10:00 A.M.

Sept 1, 2010

37-1201A Beaudet

Rec for disallowed.

Set for a 1 day trial. Sept 15 11:00 am

37-1201A Beaudet.

Settlement Conf notes.

12-9-09

intent is to recommend the right subject
to an affidavit from former owner indicating
that the property had been irrigated in the 1980's

Followup Set for May 26 2010

Kelly Christensen

Nick for Dept
Fritz for Claimant

Settlement Conf May 26, 2010

Fritz called in late $\approx$ 8 min court had to call
him.

Sept 1 ^{11:30} Scheduling conf.

Fritz to still provide Affidavit
Believes that he can get one within 30 days.

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF

Ident. Number: **A37-01201A**
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Receipt No: S019115
Received By: KKC

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AND/OR
Name: JULIE BEAUDET 208-788-9461
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HAILEY ID 83333

2. Date of Priority: MAY 14, 1909

3. Source: SEAMANS CREEK Trib. to: BIG WOOD RIVER

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5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	19E	31	SW	NE		IRR	6.0

Section Acres 6.0

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

RT. FOR ENTIRE FLOW LESS 3.0 CFS EVERY 3RD WEEK IN ROTATION.
NO PRIORITY LISTED; 5/14/1909 IS DATE OF DECREE.
P/D NOT IN DECREE BUT DETERMINED FROM USGS MAP.

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JOSLYN

Decree Plaintiff

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vs Decree Defendant

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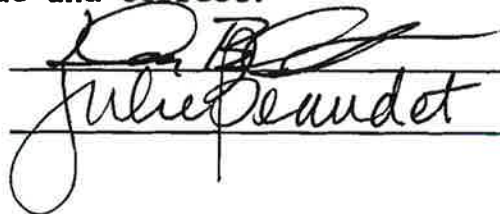
Number of attachments: _____

For Individuals:

MICROFILMED

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

Signature of Claimant(s):



Date: 5-9-96

Date: 5-9-96

MICROFILMED

Date: 05/09/96
NOV 22 1996

State of Idaho

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this

9th day

of

May

19

96

Seal

Kelly Christensen
Notary Public

Residing at

Kimberly Rd

My Commission Expires

3-2-98

MICROFILMED

NOV 22 1996

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0088

ADDRESS SERVICE
REQUESTED

FIRST CLASS



92 TA
000-4310030 NOV 21
\$ 00.50
MAILED FROM ZIP CODE 83

Dean Beaudet
336 Bayhorse Rd
Bellevue 83313

RECEIVED

NOV 27 2008

DEPARTMENT OF
WATER RESOURCES

37-1201 A

DEAN BEAUDET

JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

NSV
REASON CHECKED
☐ Moved, Left No Address
☐ Unable To Forward
☐ Attempted - Not Known
☐ Unclaimed
☐ No Such Street ☐ Refused
☐ Insufficient Address
Pr. _____ Int. _____

①
37-0X
37-AD.
IN THE DISTRICT COURT, FOURTH JUDICIAL DISTRICT, BLAINE COUNTY,
IDAHO .

T. A. JOSLYN,
Plaintiff,

— vs. —

M. J. DALY,
Defendant,

— vs. —

NEIL CAMPBELL,
Intervenor.

RECEIVED

JUL 1 1909

OFFICE OF STATE ENGINEER

D E C R E E .

This cause having been submitted to the court upon the issues raised by the pleadings, McFadden and Brodhead, appearing for the plaintiff and R. F. Buller, Esq., for the defendant and intervenor and thereupon pursuant to stipulation and agreement of parties and their counsel, the court now makes this its final decree.

I.

It is ordered, adjudged and decreed, that the plaintiff, Joslyn, and the defendant, Daly, and the intervenor, Campbell, are each entitled to use one-third of the waters of Seamans Creek in Muldoon Gulch, Blaine County, Idaho, less the prior right of the City of Bellevue to one hundred fifty inches thereof, under a four inch pressure, by each party during the one-third of the time which he is authorized to use it at any place on said Seamans Creek so that each party can apply it on any part of his lands.

II.

That the plaintiff is the owner of the right to use all of the waters.

37 1198

of certain springs described in the cross complaint, as about seven hundred seventy-five yards Easterly from plaintiffs residence on his ranch, known as the Kimbrough Ranch in Blaine County, Idaho, on the Northerly side of Seamans Creek. The same being the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32 and N $\frac{1}{2}$ NW $\frac{1}{4}$ and NW NE $\frac{1}{4}$ of Section 33, Township 2, North Range 19 East, that said defendant and said intervenor have no right, title or interest therein or any part thereof.

III.

That a certain lake or pond situated on the so called Water Company Ranch, to-wit: The NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 and W $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Township 2, North Range 19 East, and the waters thereof are part of and tributary to Seamans Creek and that neither the plaintiff herein nor any of the other parties has any exclusive right to the use of the same nor any right thereto, except as part of the waters of said creek.

37 1200

IV.

That the defendant, Daly, as successor in interest of Jennie B. Galbraith, has the exclusive right to the use of the whole of the one-third of the waters of Seamans Creek formerly owned by said Jennie B. Galbraith (less one hundred fifty inches, belonging to the City of Bellevue) for the purpose of irrigating his lands, as follows: E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 31, and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Township 2 North Range 19 East NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, Township 2 North Range 19 East.

37 1201

V.

That the intervenor, Campbell, as successor in interest of R. F. Buller has the exclusive right to the use of the whole of the one-third of waters of Seamans Creek formerly owned by Simpson Goble (less one hund-

MAY 28 1996

37-1201 cont

red fifty inches, belonging to the City of Bellevue) for the purpose of irrigating his lands; to-wit: Lots four and five (4 & 5) SE NW Section 6, Township 1, North Range 19 East 118.17 acres, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 2 North, Range 19 East.

VI.

37 1202

That the plaintiff, Joslyn as successor in interest of Asa M. Kimbrough, has the exclusive right to the use of the whole of the one-third of waters of Seemans Creek formerly owned by Asa M. Kimbrough (less one hundred fifty inches belonging to the City of Bellevue) for the purpose of irrigating his lands; to-wit: E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ section 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34 all in township 2 North Range 19 East Boise Meridian.

VII.

Each party, hereto, is to have the right to use the whole of the water to which they are entitled in rotation for an equal period of time, instead of one-third thereof, for all the time (save and except the springs aforementioned rising on the Kimbrough Ranch on the Northerly side of the Seemans Creek, the waters of which plaintiff is entitled to the use of continuously), said period of time to be one week for each during the irrigating season.

MAY 28 1996

VIII.

It is further ordered, adjudged and decreed, that the plaintiff, Joslyn, and the defendant, Daly, and the intervenor, Campbell, and each of them, their servants, agents, employees or successors, in interest or

those acting by, through or under them, be and are hereby perpetually enjoined and restrained from in any manner interfering with or obstructing, the use of the said waters or the various allotments thereof, in time and manner and to the extent hereinbefore set forth.

The plaintiff, Joslyn, and defendant, Daly, to each pay his own costs not heretofore paid; except that the costs of entering this decree, which shall be divided equally between the said parties and paid by them in equal portions.

Dated May 14th, 1909.

Edward A. Walters,

District Judge.

Certificate of True Copy.

STATE OF IDAHO,

County of Blaine.

} ss.

I,

W. F. Horne

Clerk of the District Court of the Fourth Judicial

District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a true and correct copy of the original *Decree*

in the above entitled action now on *file & of record* in my office.

Given under my hand and the seal of said Court, at office in Hailey, this, the *26th* day of *May A.D. 1909*

Attest:

By

W. F. Horne

Clerk.

Deputy

MAY 28 1909

RECEIVED

SEP 16 2009

DEPARTMENT OF
WATER RESOURCES

FRITZ X. HAEMMERLE
HAEMMERLE & HAEMMERLE, P.L.L.C.
400 South Main St., Suite 102
P.O. Box 1800
Hailey, ID 83333
tel: (208) 578-0520
FAX: (208) 578-0564
ISB # 3862

Attorney for the Claimants, Dean and Julie Beaudet

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

) Subcase No. 37-1201A

)
) AFFIDAVIT OF FRITZ X. HAEMMERLE
) IN SUPPORT OF MOTION TO FILE
) LATE OBECTION
)
)
)
)

STATE OF IDAHO,)
) ss.
County of Blaine.)

FRITZ X. HAEMMERLE, being sworn upon oath, deposes and states as follows:

1. I am an attorney duly licensed to practice law in the State of Idaho. I represent the aforementioned Claimants, Dean and Julie Beaudet. I make the averments contained herein of my own personal knowledge and would testify to the facts as presented herein if called upon to do so.

2. Before August 2009, the Claimants were representing themselves *pro se*. They were not fully aware of the process, and they were still investigating the reasons for the Director's Report recommendation that this right was forfeited and/or abandoned.

AFFIDAVIT OF FRITZ X. HAEMMERLE IN SUPPORT
MOTION TO SET ASIDE PATIAL DECREES AND MOTION TO AMEND CLAIMS - 1

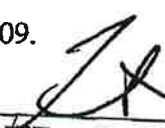
The Director's Report states that the reason the water rights were recommended as forfeited and/or abandoned was that there was nonuse between 1982 and 1987. Mr. Beaudet recently contacted the owner of the property during that time period. The owner, Don Schwenk, advised that the property was irrigated between 1982 and 1987.

3. The claimants did not intentionally or recklessly, or with the intent to delay or harass, fail to file their Objection during the original objection period. They simply have obtained evidence that the Director's Report is erroneous, and they wish to pursue their claim.

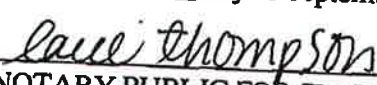
4. Based on these reasons, I believe there is good cause to allow this late objection.

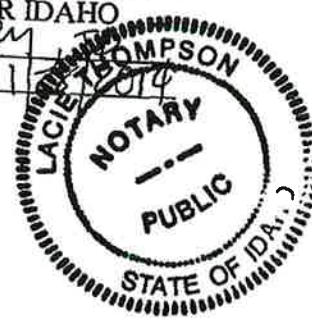
FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 9 day of September 2009.


FRITZ X. HAEMMERLE

SUBSCRIBED AND SWORN to before me this 9th day of September 2009.


NOTARY PUBLIC FOR IDAHO
Residing at: Hailey
Commission expires: 11/18/2014



CERTIFICATE OF MAILING

I certify that on 7 day of September, 2009, I mailed the original and copies of this response, including all attachments, postage prepaid, to the following persons:

1. Original to:

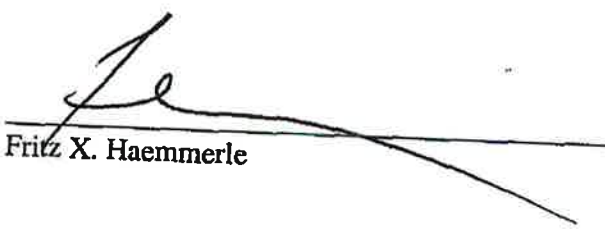
Clerk of the District Court
Snake River Basin Adjudication
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Twin Falls, ID 83303-2707

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


Fritz X. Haemmerle

RECEIVED

SEP 16 2009

DEPARTMENT OF
WATER RESOURCES

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

) A. 37-1201A

) (Insert water right number)

) STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dean and Julie Beaudet

Address: P.O. Box 1745

Hailey, ID 83333

Daytime Phone: 788-9461

Name & Address of Attorney, if any:

Fritz X. Haemmerle

P.O. Box 1800

Hailey, ID 83333

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

Name: (see above)

Address:

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

1. **X Name and Address**
Should be: As claimed (See Exhibit 1)
2. **X Source**
Should be: As claimed (See Exhibit 1)
3. **X Quantity**
Should be: As claimed (See Exhibit 1)
4. **X Priority Date**
Should be: As claimed (See Exhibit 1)
5. **X Point of Diversion**
Should be: As claimed (See Exhibit 1)
6. **X Instream Flow Beginning and Ending Point**
Should be: As claimed (See Exhibit 1)
7. **X Purpose(s) of Use**
Should be: As claimed (See Exhibit 1)
8. **X Period of Year**
Should be: As claimed (See Exhibit 1)
9. **X Place of Use**
Should be: As claimed (See Exhibit 1)
10. **X I object because:**

☐ This water right Should not exist.

X This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** Recommendation does not reflect actual and historical beneficial use.

F. **VERIFICATION** (must be completed)

State of Idaho)
)ss.
County of Blaine)

Fritz X. Haemmerle, 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.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Sept. 9th, 2009
Lacie Thompson
Notary Public for Idaho
Residing at: Hailey ID
My Commission Expires: 1/25/2014

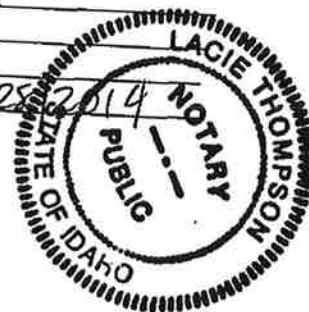


EXHIBIT 1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

9/9/2009

WATER RIGHT NO. 37-1201A

Owner Type	Name and Address
Current Owner	DEAN BEAUDET
Current Owner	JULIE BEAUDET
	PO BOX 1745
	HAILEY, ID 83333
	(208)788-9461

Priority Date: 05/14/1909

Basis: Decreed

Status: Active

Source	Tributary
SEAMANS CREEK	BIG WOOD RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	0.12 CFS	
Total Diversion			0.12 CFS	

Location of Point(s) of Diversion:

SEAMANS CREEK	SWNE	Sec. 31	Township 02N	Range 19E	BLAINE County
---------------	------	---------	--------------	-----------	---------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	19E	31		SWNE	6									

Total Acres: 6

Conditions of Approval:

1.	RT. FOR ENTIRE FLOW LESS 3.0 CFS EVERY 3RD WEEK IN ROTATION. NO PRIORITY LISTED; 5/14/1909 IS DATE OF DECREE. P/D NOT IN DECREE BUT DETERMINED FROM USGS MAP. ***** PROPERTY ALSO KNOWN AS MULDOON RANCH SUBDIVISION NO 2 LOTS 34 AND 35A.
----	--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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

09/15/2010

RIGHT NUMBER: 37-1201A

NAME AND ADDRESS: JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

DEAN BEAUDET
PO BOX 1745
HAILEY ID 83333

SOURCE: SEAMANS CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/14/1909

POINT OF DIVERSION:

PURPOSE AND PERIOD OF USE: T02N R19E S31 SESWNE Within BLAINE County

TRIBUTARY: SINKS

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS
<u>IRRIGATION in BLAINE County</u>		
T02N R19E S31 SWNE 3.50		
3.5 ACRES TOTAL		

PLACE OF USE:

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: BASIS OF CLAIM - Decreed



I purchased this then 20 acre parcel in April, 1987. That summer, as you indicate below, I had a 55 gal. drum fashioned into a device to collect water at a small falls in the western part of this parcel. **With the use of gradually reducing diameter pvc pipes coming out of the** barrel, water was lifted upwards to the pasture level. This allowed me to flood irrigate a small area of the pasture. The barrel was located at where the creek changes from a southward direction to a westward one (just south of your present home). The volume of water was, in the end, not sufficient to be an effective means of irrigating the pasture.

It is also true that I had a 5 hp pump installed in the new well in the summer of 1987. This was done by Wood River Drilling, Ken Smith owner. Large pressure tanks were installed in the pumphouse as well as large diameter pipes leading from the tanks to the exterior wall of the pump house. I fully intended to acquire irrigation pipe to irrigate the approx. 2.5 acres of pasture, but I changed my mind on that idea. I did, however, do some sprinkling using garden hose and lawn sprinklers that same summer.

I hope you both are well. Warm regards, Don Schwenk *Don Schwenk*

Gmail

deanbeaudet@gmail.com |

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211 of 484

water rights Inbox X

Dean Beaudet

Dear Beaudet,

8/8/09

Hi Dean and Julie,

I purchased this then 20 acre parcel in April, 1987. That summer, as you indicate below, I had a 55 gal. drum fashioned into a device to collect water at a small falls in the western part of this parcel. With the use of gradually reducing diameter pvc pipes coming out of the barrel, water was lifted upwards to the pasture level. This allowed me to flood irrigate a small area of the pasture. The barrel was located at where the creek changes from a southward direction to a westward one (just south of your present home). The volume of water was, in the end, not sufficient to be an effective means of irrigating the pasture.

It is also true that I had a 5 hp pump installed in the new well in the summer of 1987. This was done by Wood River Drilling, Ken Smith owner. Large pressure tanks were installed in the pumphouse as well as large diameter pipes leading from the tanks to the exterior wall of the pump house. I fully

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6/11/2010

P. 3

208-788-5459

Dean Beaudet

Jun 11 10 01:52p

37-1201A BEAUDET CLAIM ANALYSIS

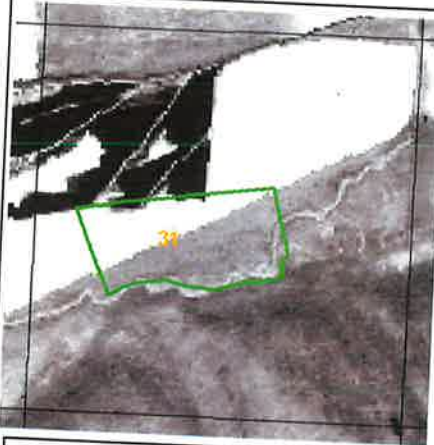
In viewing the 1957 aerial photo it suggests that a portion of the POU historically was not irrigated.

Irrigation activity in 1987 is not clear. There is a difference in relation to other areas but no irrigation pattern or actively growing vegetation is obvious. In fact there is a distinct difference between Lot 34 and lot 35A.

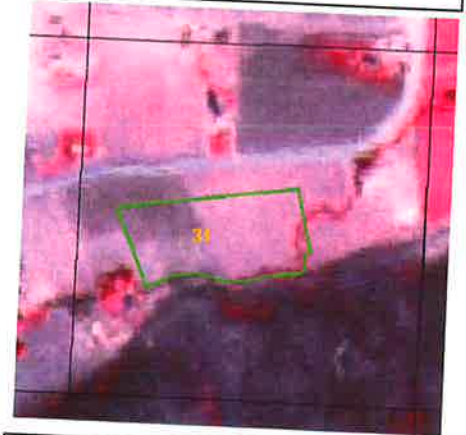
In 1992 again no irrigation is obvious. There is still a break showing between the two lots.

By 2004 all of the property, excluding roads and such, appears to be irrigated. Source of the water is not known.

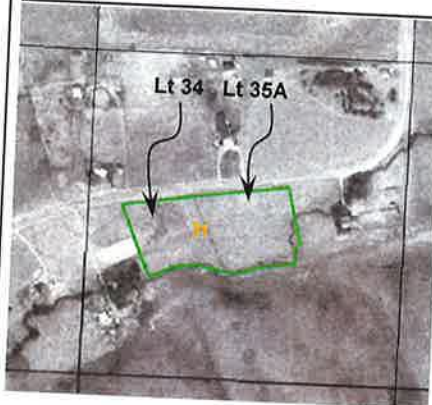
1957 aerial photo



1987 aerial photo



1992 aerial photo



2004 aerial photo



The claim was filed as a late claim on 5-9-1996. The claimants stated at that time that they had owned the property for approximately 2 years but had never irrigated the property but that there was an old barrel where a pump had been located in the stream channel. See memo by Kelly Christensen date May 9, 1996.

Erin Retelle (IDWR employee) did a field exam for 37-14278 (an off stream storage right for recreation with Seamans Creek as the source). As a part of the investigation Erin followed Seamans Creek from the reservoir to past this property. She observed that the Seamans Creek channel was approximately 2' wide and less than 1' deep as it entered the subdivision and that it continued past this property but ultimately disappeared roughly $\frac{3}{4}$ mile downstream. No water was flowing in the channel at that time. See memo from Erin Retelle to file 37-14278 dated January 8, 2007. This right would likely have a major impact on potential flows in Seamans Creek for Beaudet.

At this time additional information is needed before there would be a change in the recommendation.

01/06/2007

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

RIGHT NUMBER: 37-1201A
NAME AND ADDRESS: JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

DEAN BEAUDET
PO BOX 1745
HAILEY ID 83333

DISALLOWED: Forfeited/abandoned due to non-use from 1982 to 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

MEMORANDUM

TO: 37-14278

FROM: Erin Retelle

RE: Field Exam

Date: January 8, 2007

.....

On October 31, 2006, I visited the EE-Da-How Ranch. The ranch is irrigated with water primarily from Seamons Creek.

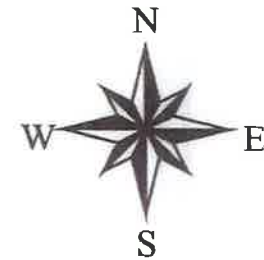
With the assistance of the ranch manager, I performed a Manning's equation estimate on Seamons Creek in Section 34, just upstream of the ranch. The calculation gave a flow rate of 0.73 cfs.

The water is collected in a large reservoir in the middle of the ranch (see layouts) and pumped through mainlines throughout the property. At the point labeled "Pumps 1" is a pumphouse containing a 20 hp pump. At the point labeled "Pumps 2" are 2 7hp submersible pumps. The ranch also has smaller aesthetic/recreational ponds that are not part of the irrigation system.

The outflow from the reservoir is through a glory hole in to a channel. The water sinks near the middle of the NW quarter of Section 32, and rises again in a lesser amount in the NENE of Section 31. At the time I visited the area, no water was flowing off the ranch. However, a very small channel (2 ft wide x less than a foot deep) meandered into the subdivision downstream of the ranch. The channel was evident on the Schwenk and Beudet properties in the SWNE of Section 31, but became less defined and fizzled out in the properties to the west. I marked a GPS point where someone built their driveway over where the channel would have been with no drainage pipe (labeled "no water possible beyond here).

37-14278

- Blaine taxlots
- Recommendation POD
- Administrative Basins Adminbas.shp
- Township/Range
- Sections
- QQ

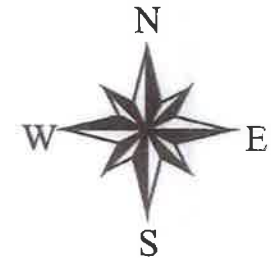


0.4 0 0.4 0.8 Miles

January 8, 2007
Erin Retelle, IDWR

37-14278

-  Recommendation POD
 Administrative BasinsAdminbas.shp
 Township/Range
 Sections
 QQ



0.6 0 0.6 1.2 Miles

January 8, 2007
Erin Retelle, IDWR

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-01-2006

File Number: 37-14278
Claimant: Shoemaker
Channel measured: Seamon's Creek
Date of measurement: 10/31/2006
Measurement location:

Calculation prepared by: Erin Retelle
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 60 feet.
The upstream and downstream rod readings are 4.99 and 5.90 feet.
The channel cross section is 1.19 ft-sq.
The wetted perimeter is 8.79 feet.
The hydraulic radius is 0.14 feet.
The slope is 0.0152
The roughness coefficient is 0.0793
The flow velocity is 0.611 ft/sec.
The rate of flow is 0.73 cfs.

CROSS SECTION NUMBER 1

For File Number 37-14278 for the Seamon's Creek

Number	Rod Reading	Water Depth	Distance
1	5.09	0.00	0.00
2	4.80	-0.29	0.50
3	4.80	-0.29	1.00
4	5.50	0.41	1.50
5	5.14	0.05	2.00
6	5.24	0.15	2.50
7	5.38	0.29	3.00
8	5.33	0.24	3.50
9	5.40	0.31	4.00
10	5.45	0.36	4.50
11	5.60	0.51	5.00
12	5.55	0.46	5.50
13	5.48	0.39	6.00
14	5.34	0.25	6.50
15	5.12	0.03	7.00
16	4.79	-0.30	7.50
17	4.73	-0.36	8.00

The area for this cross section is 1.19 square feet
and the wetted perimeter is 8.79 feet.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE
May 9, 1996 4:42pm

CUSTOMER
DEAN & JULIE BEAUDET

SUBJECT: LATE CLAIM A37-01201A
phone call (.) walk-in (X)

They elected to file a late claim on a water right that Jim Stanton found was appurtenant to their property. We discussed elements of a water right and the review process. Forfeiture was discussed as they indicated that they have never used water from the stream. They have owned the property for approximately two years. He indicated that there was an old barrel in the stream where an old pump had been located. We discussed the difference between accomplished transfers and transfers after 1987. I suggested that they obtain as much info concerning the history of water use on their property as possible, preferably in affidavit format.

MICROFILMED
NOV 22 1996

TO: File

DATE: May 8, 1996

FROM: Jim Stanton

SUBJECT: Claim A37-01208, City of Bellevue

On 5-1-96, I did a licensing exam on Permit 37-08056. Although the permit shows groundwater as a source, it actually covers the same sub-surface flow (springs) that are diverted under this decree/claim. The only place I could find to measure the flow was a 2' rectangular weir in the chlorination house. I measured a head of 3 1/4" (0.27'), for a flow rate of 0.94 cfs. Rick Turner, the city employee who accompanied me, said that this was the normal flow that has occurred during the last two years (the time of his observations). The flow had been down during the previous dry years. The decreed right is for 3 cfs, but this right is in question due to previous agreements made by the City. So I am recommending that the licensing exam be held pending finalization of the SRBA recommendation, as this claim may cover the full development of municipal water from Seamans Gulch.

MICROFILMED

NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

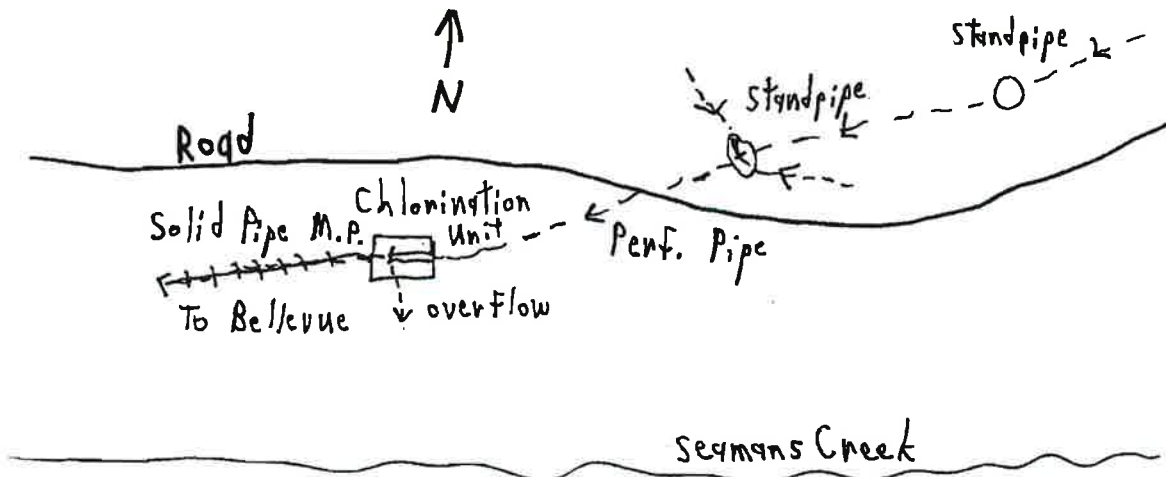
1. Owner: City of Bellevue Permit No. 37-08056
Current Address: PO Box 447, Bellevue, ID 83313 Phone No. 788-2128
2. Accompanied by: Rick Turner EXAM. DATE: 5-1-1996
Address: Same Phone No. _____
Relationship to Permit Holder: Public Works Supervisor
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-01208, 7637, 8848 ☐ Copies Attached
2. Other water rights with same point of diversion: 37-1208 ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

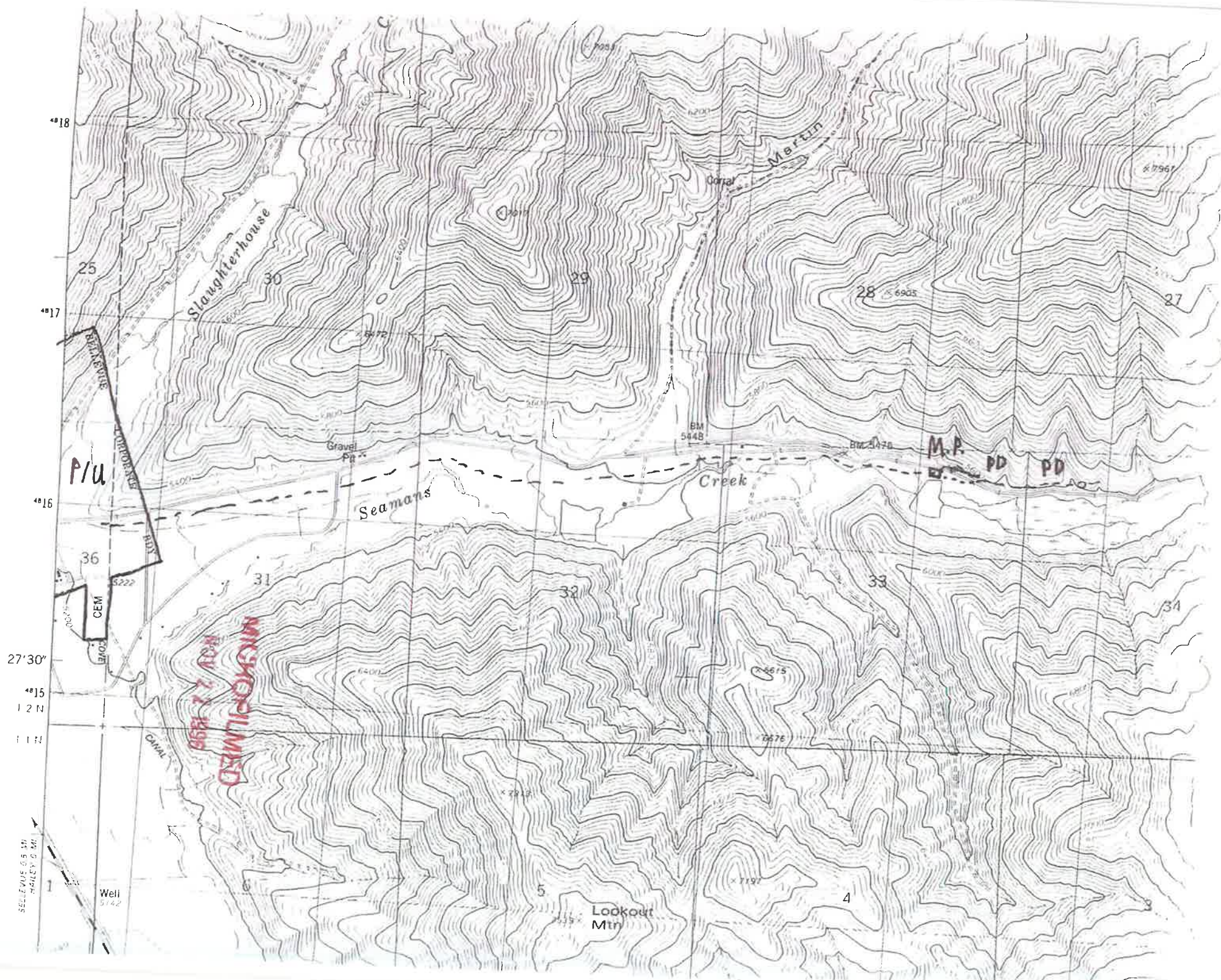
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



MICROFILMED
NOV 22 1996

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).



Fawcett, Trish

From: Dean Beaudet [deanbeaudet@gmail.com]
Sent: Thursday, October 14, 2010 12:34 PM
To: Fawcett, Trish
Subject: change of address

Dear Trish,

Just spoke to you on the phone about our change of address regarding our water right information.

Our water right number is 37-1201A

Old address:

P.O. Box 1745
Hailey, Idaho 83333

New address:

336 Bayhorse Road
Bellevue, Idaho 83313

Please send us any correspondence that has been sent within the last year or so.

Thank you,
Dean Beaudet
(208) 720-1303

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 16 2010	
By _____	Clerk Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

SUBCASE NO. 37-1201A

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 11/16/10

[Signature]
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-16, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

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Office of the Attorney General
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Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
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Boise ID 83724

Fritz Haemmerle
Haemmerle & Haemmerle PLLC
PO Box 1800
Hailey ID 83333

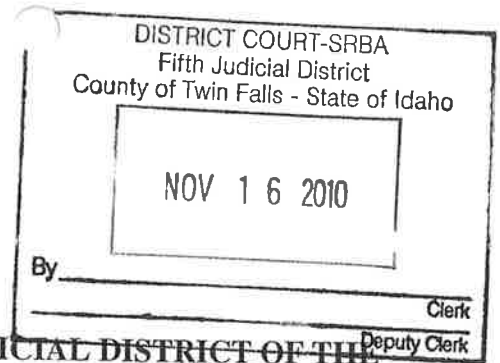

Signature of person or attorney mailing the form

11/10/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-1201A	JULIE BEAUDET 336 BAYHORSE RD BELLEVUE ID 83313	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.
	DEAN BEAUDET 336 BAYHORSE RD BELLEVUE ID 83313		

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

SUBCASE NO. 37-1201A

Case No. 39576

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Dated:

11/16/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

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Boise ID 83724

Fritz Haemmerle
Haemmerle & Haemmerle PLLC
PO Box 1800
Hailey ID 83333



Signature of person or attorney mailing the form

11/10/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-1201A	JULIE BEAUDET 336 BAYHORSE RD BELLEVUE ID 83313	Disallowed	Forfeited/abandoned due to non-use from 1982 to 1987.
	DEAN BEAUDET 336 BAYHORSE RD BELLEVUE ID 83313		



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

November 16, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

FRITZ HAEMMERLE
HAEMMERLE & HAEMMERLE PLLC
PO BOX 1800
HAILEY ID 83333

RE: SRBA Claim(s) 37-1201A / Beaudet

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0000

ADDRESS SERVICE
REQUESTED

FIRST CLASS



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Dean Beaudet
3310 Bayhorse Rd
Bellevue 83313

RECEIVED

NOV 27 2005

DEPARTMENT OF
WATER RESOURCES

37-1201 A

DEAN BEAUDET
PO BOX 1745
HAILEY ID 83333
JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

NSW
REASON CHECKED
☐ Moved, Left No Address
☐ Unable To Forward
☐ Attempted - Not Known
☐ Unclaimed
☐ No Such Street
☐ Insufficient Address
☐ Refused
☐ No Such Number

Rt. _____ Init. _____

MEMORANDUM

TO: 37-14278

FROM: Erin Retelle

RE: Field Exam

Date: January 8, 2007

.....

On October 31, 2006, I visited the EE-Da-How Ranch. The ranch is irrigated with water primarily from Seamons Creek.

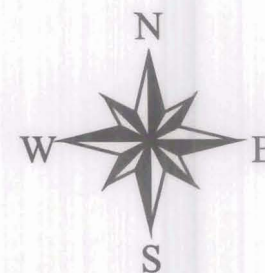
With the assistance of the ranch manager, I performed a Manning's equation estimate on Seamons Creek in Section 34, just upstream of the ranch. The calculation gave a flow rate of 0.73 cfs.

The water is collected in a large reservoir in the middle of the ranch (see layouts) and pumped through mainlines throughout the property. At the point labeled "Pumps 1" is a pumphouse containing a 20 hp pump. At the point labeled "Pumps 2" are 2 7hp submersible pumps. The ranch also has smaller aesthetic/recreational ponds that are not part of the irrigation system.

The outflow from the reservoir is through a glory hole in to a channel. The water sinks near the middle of the NW quarter of Section 32, and rises again in a lesser amount in the NENE of Section 31. At the time I visited the area, no water was flowing off the ranch. However, a very small channel (2 ft wide x less than a foot deep) meandered into the subdivision downstream of the ranch. The channel was evident on the Schwenk and Beudet properties in the SWNE of Section 31, but became less defined and fizzled out in the properties to the west. I marked a GPS point where someone built their driveway over where the channel would have been with no drainage pipe (labeled "no water possible beyond here).

37-14278

- Blaine taxlots
- Recommendation POD
- Administrative BasinsAdminbas.shp
- Township/Range
- Sections
- QQ

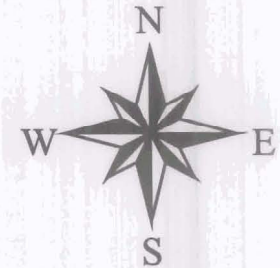


0.4 0 0.4 0.8 Miles

January 8, 2007
Erin Retelle, IDWR

37-14278

- Recommendation POD
- Administrative Basins Adminbas.shp
- Township/Range
- Sections
- QQ



0.6 0 0.6 1.2 Miles

January 8, 2007
Erin Retelle, IDWR

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-01-2006

File Number: 37-14278
Claimant: Shoemaker
Channel measured: Seamon's Creek
Date of measurement: 10/31/2006
Measurement location:

Calculation prepared by: Erin Retelle
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 60 feet.
The upstream and downstream rod readings are 4.99 and 5.90 feet.
The channel cross section is 1.19 ft-sq.
The wetted perimeter is 8.79 feet.
The hydraulic radius is 0.14 feet.
The slope is 0.0152
The roughness coefficient is 0.0793
The flow velocity is 0.611 ft/sec.
The rate of flow is 0.73 cfs.

CROSS SECTION NUMBER 1

For File Number 37-14278 for the Seamon's Creek

Number	Rod Reading	Water Depth	Distance
1	5.09	0.00	0.00
2	4.80	-0.29	0.50
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4	5.50	0.41	1.50
5	5.14	0.05	2.00
6	5.24	0.15	2.50
7	5.38	0.29	3.00
8	5.33	0.24	3.50
9	5.40	0.31	4.00
10	5.45	0.36	4.50
11	5.60	0.51	5.00
12	5.55	0.46	5.50
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14	5.34	0.25	6.50
15	5.12	0.03	7.00
16	4.79	-0.30	7.50
17	4.73	-0.36	8.00

The area for this cross section is 1.19 square feet
and the wetted perimeter is 8.79 feet.

01/06/2007

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

RIGHT NUMBER: 37-1201A

NAME AND ADDRESS: JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

DEAN BEAUDET
PO BOX 1745
HAILEY ID 83333

DISALLOWED: Forfeited/abandoned due to non-use from 1982 to 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1201A V1

WATER RIGHT NUMBER: 37-1201A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JULIE BEAUDET PO BOX 1745 HAILEY, ID 83333 (208)788-9461
Current Owner	DEAN BEAUDET PO BOX 1745 HAILEY, ID 83333 (208)788-9461

Priority Date: 05/14/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SEAMANS CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

SEAMANS CREEK	SE1/4SW1/4NE1/4	Sec. 31, Twp 02N, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	19E	31			4.5														4.5

Total Acres: 4.5

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-1201A V1

Comments:

1. csaxton 1/5/2007 No Forfeiture

Comment: There is a memo in file stating that this right could have been forfeited. However, in 2002, notes in the complaint file show Dean Beaudet as a water user. Even if it was forfeited at one time, an argument could be made that the right has been resumed.

2. csaxton 1/5/2007 POD

Comment: Assumed POD is different than that which was decreed. Recommend accomplished change in POD.

3. csaxton 1/5/2007 Diversion Rate

Comment: Diversion rate recommended at one inch per acre.

4. csaxton 1/5/2007 Copied From Claim

Comment: RT. FOR ENTIRE FLOW LESS 3.0 CFS EVERY 3RD WEEK IN ROTATION.

NO PRIORITY LISTED; 5/14/1909 IS DATE OF DECREE.

P/D NOT IN DECREE BUT DETERMINED FROM USGS MAP.

***** PROPERTY ALSO KNOWN AS MULDOON RANCH SUBDIVISION NO 2 LOTS 34 AND 35A.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			01/05/2007	csaxton	Active
POD	1/5/2007 3:58:35 PM	csaxton			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/5/2007 3:54:04 PM	csaxton	Updated PLS for Active POU
POD	1/5/2007 3:52:08 PM	csaxton	Updated shape
POD	1/5/2007 3:52:32 PM	csaxton	Updated shape
POD	1/5/2007 3:52:44 PM	csaxton	Updated PLS
POU	1/5/2007 3:53:54 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1201A V1

POU	1/5/2007 3:54:38 PM	csaxton	Edited Season Of Use
Summary	1/5/2007 3:56:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	1/5/2007 3:58:49 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?
Summary	11/3/2006 4:55:27 PM	CFRITSCH	Bulk Copy

Water Supply Bank:

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

May 9, 1996 4:42pm

CUSTOMER

DEAN & JULIE BEAUDET

SUBJECT: LATE CLAIM A37-01201A

phone call (.) walk-in (X)

They elected to file a late claim on a water right that Jim Stanton found was appurtenant to their property. We discussed elements of a water right and the review process. Forfeiture was discussed as they indicated that they have never used water from the stream. They have owned the property for approximately two years. He indicated that there was an old barrel in the stream where an old pump had been located. We discussed the difference between accomplished transfers and transfers after 1987. I suggested that they obtain as much info concerning the history of water use on their property as possible, preferably in affidavit format.

MICROFILMED

NOV 22 1996

TO: File

DATE: May 8, 1996

FROM: Jim Stanton

SUBJECT: Claim A37-01208, City of Bellevue

On 5-1-96, I did a licensing exam on Permit 37-08056. Although the permit shows groundwater as a source, it actually covers the same sub-surface flow (springs) that are diverted under this decree/claim. The only place I could find to measure the flow was a 2' rectangular weir in the chlorination house. I measured a head of 3 1/4" (0.27'), for a flow rate of 0.94 cfs. Rick Turner, the city employee who accompanied me, said that this was the normal flow that has occurred during the last two years (the time of his observations). The flow had been down during the previous dry years. The decreed right is for 3 cfs, but this right is in question due to previous agreements made by the City. So I am recommending that the licensing exam be held pending finalization of the SRBA recommendation, as this claim may cover the full development of municipal water from Seamans Gulch.

MICROFILMED

NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

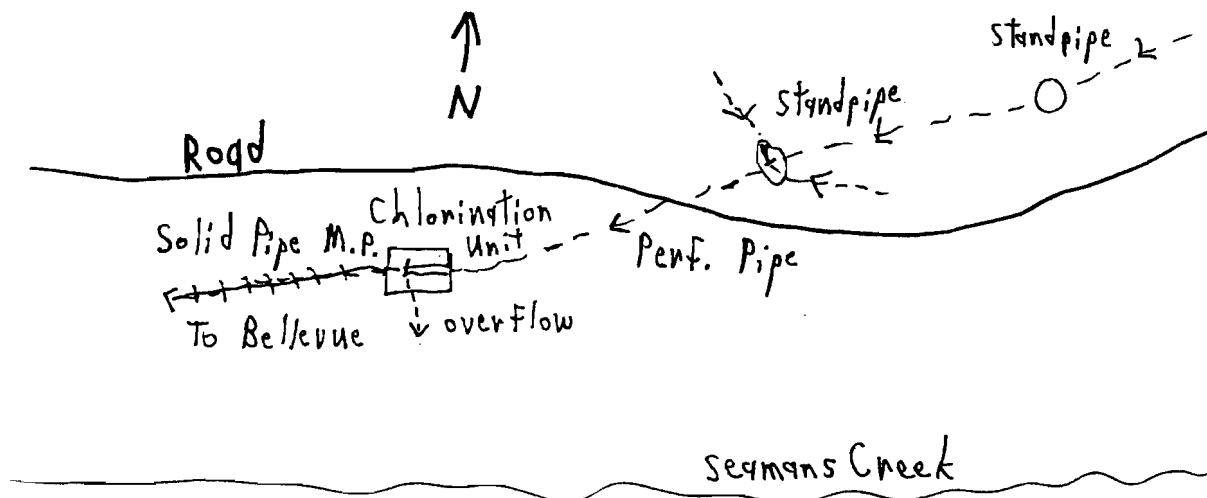
Permit No. 37-08056
Phone No. 788-2128
1. Owner: City of Bellevue
Current Address: PO Box 449, Bellevue, ID 83313
2. Accompanied by: Rick Turner EXAM. DATE: 5-1-1996
Address: Same Phone No. _____
Relationship to Permit Holder: Public Works Supervisor
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-01208, 7637, 8848 ☐ Copies Attached
2. Other water rights with same point of diversion: 37-1208 ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

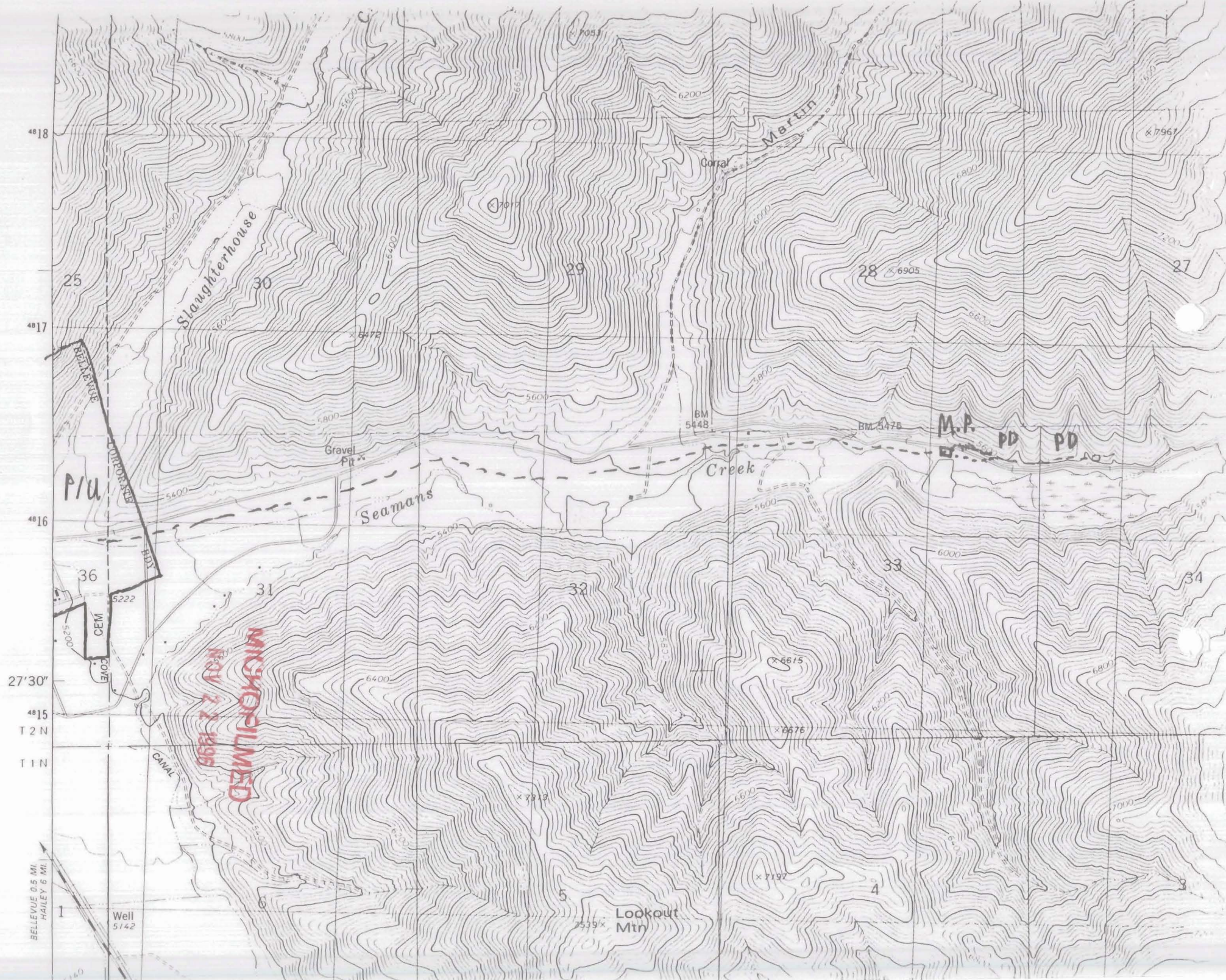
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



MICROFILMED
NOV 22 1996

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)





N

Aerial
2011

37-1201A

BEAUDET



01/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 37-1201A V1

WATER RIGHT NUMBER: 37-1201A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JULIE BEAUDET PO BOX 1745 HAILEY, ID 83333 (208)788-9461
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Priority Date: 05/14/1909
 Basis: Decreed
 Status: Active

Source
 SEAMANS CREEK

Tributary
 SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to	10/31	0.090 CFS	
	<u>Total Diversion:</u>		0.090 CFS	

Location of Point(s) of Diversion
 SEAMANS CREEK
 BLAINE County

SE1/4SW1/4NE1/4

Sec. 31, Twp 02N, Rge 19E, B.M.

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
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Remarks:

01/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-1201A V1

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Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

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Water District Number: 37

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Swan Falls Trust or Nontrust:

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DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary					
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Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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01/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 37-1201A V1

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(Yes) 6. Is an additional remark and/or condition required?

(Yes) 7. Would you like to view the recommended right?

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(No) 9. Do you have documents you would like to attach or link to the file?

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POD 1/5/2007 3:58:49 PM csaxton

Summary 11/3/2006 4:55:27 PM CFRITSCH

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Bulk Copy

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6/9/94

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CUSTOMER

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phone call (.) walk-in (X)

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MICROFILMED

NOV 22 1996

TO: File

DATE: May 8, 1996

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SUBJECT: Claim A37-01208, City of Bellevue

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MICROFILMED

NOV 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

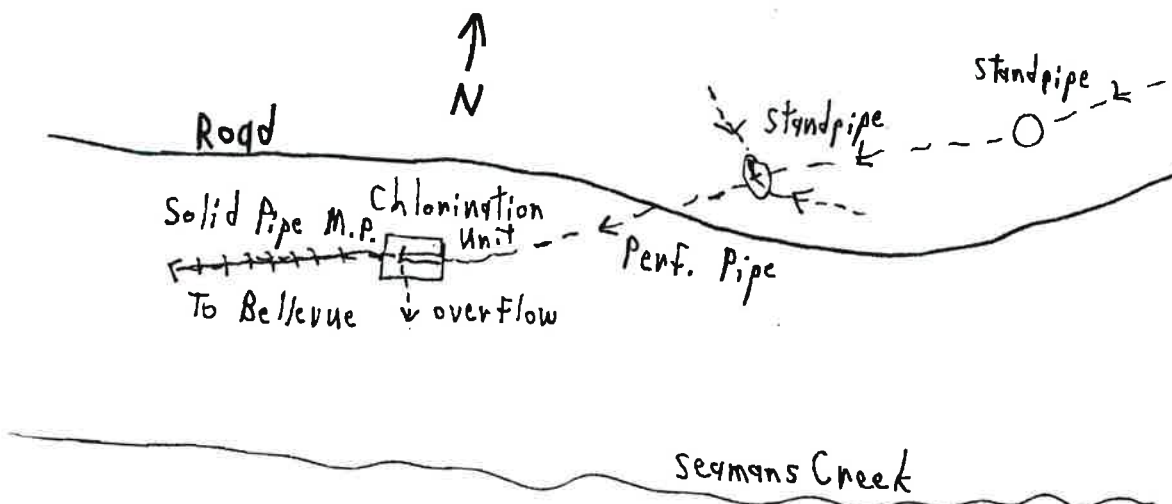
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2. Accompanied by: Rick Turner
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MICROFILMED
NOV 22 1996

Scale: 1" = _____

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Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.
(required for irrigation of 10 acres or more).

BELLEVUE 0.5 MI
HAILEY 6 MI

27 30'
49 15
T 2 N
11 N

49 16

49 17

49 18

CEM

P/U

Slaughterhouse

NOV 22 1998
MICHOPIUMED

Sawyer's

Creek

Morgan

M.P.

PD

PD

Lookout
Mtn

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0820

ADDRESS SERVICE
REQUESTED

FIRST CLASS



02 13
0004510020 NOV 2004
\$ 00.5
MAILED FROM ZIP CODE 83720

Dean Beaudet
3340 Bayhorse Rd
Boileau 83313

RECEIVED

NOV 27 2004

DEPARTMENT OF
WATER RESOURCES

37-1201 A

DEAN BEAUDET

JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

NSW

REASON CHECKED

☐ Moved, Left No Address

☐ Unable To Forward

☐ Attempted - Not Known

☐ Unclassified

☐ No Such Street

☐ Insufficient Address

☐ Refused

☐ No Such Number

RL

MEMORANDUM

TO: 37-14278

FROM: Erin Retelle

RE: Field Exam

Date: January 8, 2007

.....

On October 31, 2006, I visited the EE-Da-How Ranch. The ranch is irrigated with water primarily from Seamons Creek.

With the assistance of the ranch manager, I performed a Manning's equation estimate on Seamons Creek in Section 34, just upstream of the ranch. The calculation gave a flow rate of 0.73 cfs.

The water is collected in a large reservoir in the middle of the ranch (see layouts) and pumped through mainlines throughout the property. At the point labeled "Pumps 1" is a pumphouse containing a 20 hp pump. At the point labeled "Pumps 2" are 2 7hp submersible pumps. The ranch also has smaller aesthetic/recreational ponds that are not part of the irrigation system.

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37-14278

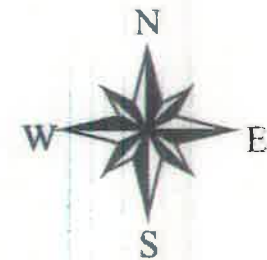
- Blaine taxlots
- Recommendation POD
- Administrative BasinsAdminbas.shp
- Township/Range
- Sections
- QQ



January 8, 2007
Erin Retelle, IDWR

37-14278

- ☐ Recommendation POD
☐ Administrative Basins Adminbas.shp
☐ Township/Range
☐ Sections
 QQ



0.6 0 0.6 1.2 Miles

January 8, 2007
Erin Retelle, IDWR

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-01-2006

File Number: 37-14278

Claimant: Shoemaker

Channel measured: Seamon's Creek

Date of measurement: 10/31/2006

Measurement location:

Calculation prepared by: Erin Retelle

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 60 feet.

The upstream and downstream rod readings are 4.99 and 5.90 feet.

The channel cross section is 1.19 ft-sq.

The wetted perimeter is 8.79 feet.

The hydraulic radius is 0.14 feet.

The slope is 0.0152

The roughness coefficient is 0.0793

The flow velocity is 0.611 ft/sec.

The rate of flow is 0.73 cfs.

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			8.00

The area for this cross section is 1.19 square feet
and the wetted perimeter is 8.79 feet.

01/06/2007

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

RIGHT NUMBER: 37-1201A
NAME AND ADDRESS: JULIE BEAUDET
PO BOX 1745
HAILEY ID 83333

DEAN BEAUDET
PO BOX 1745
HAILEY ID 83333

DISALLOWED: Forfeited/abandoned due to non-use from 1982 to 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.