

02/02/2005

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

RIGHT NUMBER: 79-10384

NAME AND ADDRESS: POXLEITNER SAWMILL
C/O VINCE POXLEITNER
PO BOX 56
KEUTERVILLE ID 83538

SOURCE: GRAVE CREEK
SPRING

TRIBUTARY: ROCK CREEK
TRIBUTARY: GRAVE CREEK

QUANTITY: 0.040 CFS
1.000 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 12/31/1950

POINT OF DIVERSION:

T31N R01W S10 SWNESW Within IDAHO County
T31N R01W S10 NWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL STORAGE	1/01 12/31	1.00 AFY
INDUSTRIAL	1/01 12/31	0.020 CFS
INDUSTRIAL FROM STORAGE	1/01 12/31	1.00 AFY
DOMESTIC	1/01 12/31	0.020 CFS

PLACE OF USE: INDUSTRIAL STORAGE Within IDAHO County

T31N R01W S10 NWSW

INDUSTRIAL Within IDAHO County

T31N R01W S10 NESW T31N R01W S10 NWSW

INDUSTRIAL FROM STORAGE Within IDAHO County

T31N R01W S10 NESW T31N R01W S10 NWSW

DOMESTIC Within IDAHO County

T31N R01W S10 NESW

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.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

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: A79-10384
Date Received: 11/25/1988.
Receipt No: W001527 E WOODJO
Received By: DE CNA

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: POXLEITNER SAWMILL
Address: C/O VINCE POXLEITNER
P.O. BOX 56
KEUTERVILLE, ID 83538
208-962-3882

2. Date of Priority: DEC 31, 1950

3. Source: SPRING
GRAVE CREEK
Trib. to: GRAVE CREEK
ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
31N	01W	10	SW	NE	SW		IDAHO
				NW	SW		IDAHO

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL STORAGE	01/01	12/31			1.00
INDUSTRIAL FROM STORAGE	01/01	12/31			1.00
INDUSTRIAL	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/LOG POND AND MILL. D/1 HOME

A79-10384

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Date: 01/20/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
31N	01W	10	NE	SW		DOMEST	
			NW	SW		IND S	
			NW	SW		INDUST	
			NW	SW		IND FS	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE.

14. Remarks:

DESCRIPTION OF DIVERTING WORKS: SPRING HAS A TEE WITH A PIPELINE TO HOME AND ONE TO MILL FOR INDUSTRIAL USE. THEN, OVERFLOW FROM SPRING GOES INTO GRAVES CREEK WHICH FLOWS INTO POND 200' IN DIAMETER. POND IS USED AS A LOG POND.

15. Basis of Claim: BENEFICIAL USE

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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: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

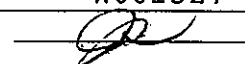
Residing at _____
My Commission Expires _____

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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: A79-10384
Date Received: 7/27/1988
Receipt No: W001527
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: POXLEITNER SAWMILL 208-962-3882
Address: C/O VINCE POXLEITNER
P.O. BOX 56
KEUTERVILLE, ID 83538

2. Date of Priority: DEC 31, 1950

3. Source: SPRING Trib. to: GRAVE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
31N	01W	10	SE	NW	SW		IDAHO

5. Description of diverting works:
SPRINGBOX W/PIPE TO HOME W/OVERFLOW INTO POND-200' DIAMETER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL STORAGE	01/01	12/31			1.00
INDUSTRIAL FROM STORAGE	01/01	12/31			1.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/LOG POND.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
31N	01W	10	NW	SE		IND S	

A79-10384

Page 1

Date: 11/25/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
31N	01W	10	NW SE		IND FS	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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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: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39356Ident. Number 979-10384Date Received 7-27-88Receipt Number W001527RECEIVED
AUG 1 1988NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
JUL 27 1988Department of Water Resources
Western Regional OfficeDepartment of Water Resources
Northern District Office

Please type or print clearly

- Name of Claimant (s) Poxleitner Sawmill Phone (208) 962 3882
Mailing Address Box 56, Ketchumville Id Zip 83338
- Date of Priority (Only one (1) per claim) 1950
- Source of water supply (a) Spring and Grave Creek Spring Run off
which is tributary to (b) Salmon
- a. Location of existing point of diversion is: Township 31N Range 1W Section 10,
SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Idaho
Additional points of diversion if any: Spring Piped to Residence
- b. If instream flow, beginning point of claimed instream flow is:
Township 31N Range 1W Section 10, SE 1/4 of NW 1/4 of SW 1/4,
Govt. Lot _____ B.M., County of Idaho
ending point is: Township 31N Range 1W Section 10, SE 1/4 of NW 1/4 of SW 1/4 of
SW 1/4, Govt. Lot _____ B.M., County of Idaho
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Spring Boxed, Piped to
House over flow drains into Pond with 20'
diameter.

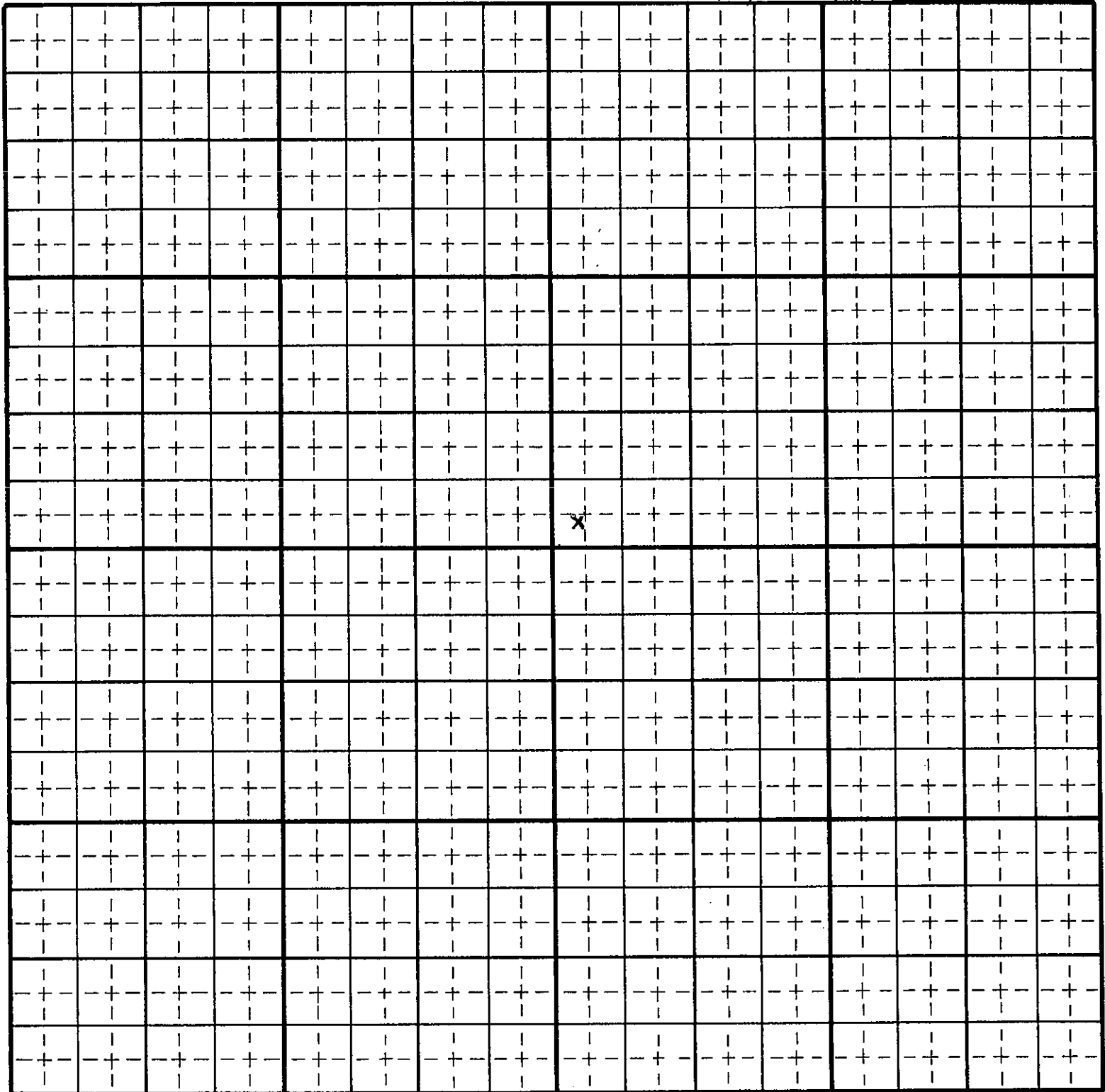
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OCT 06 1992

Copies: White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T31N R1W Sec 10
SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$



Last Name Poxleitner Sawmill Ident No. 39356

Vince Poxleitner

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Copies: White-State, Yellow-Clamant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Log Pond purposes from 1-1 to 12-30 amount _____ or .9 Acre

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
31N	1W	10														M.W.			

Total number of acres irrigated none

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

Last Name Poxleitner & Samblit Ident No. 39356

Copies: White -State, Yellow-Claimant

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

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Owner, Partner
Title

of Poxleitner Sawmill
Organization, that I have signed the foregoing

document in the space below as Owner Partner of Poxleitner Sawmill
Title Organization

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

Signature of Authorized Agent Quentin M. Poxleitner

Title and Organization Owner operator Partner Date 7-26-88

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

Subscribed and sworn (or affirmed) before me this 26th day of July 1988

SEAL

Notary Public Don A. Verneam

Residing at Cottonwood

My Commission Expires 4-27-93

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Poxleitner Sawmill Ident. Number 39356

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OCT 06 1992

Copies White-State, Yellow-Claimant

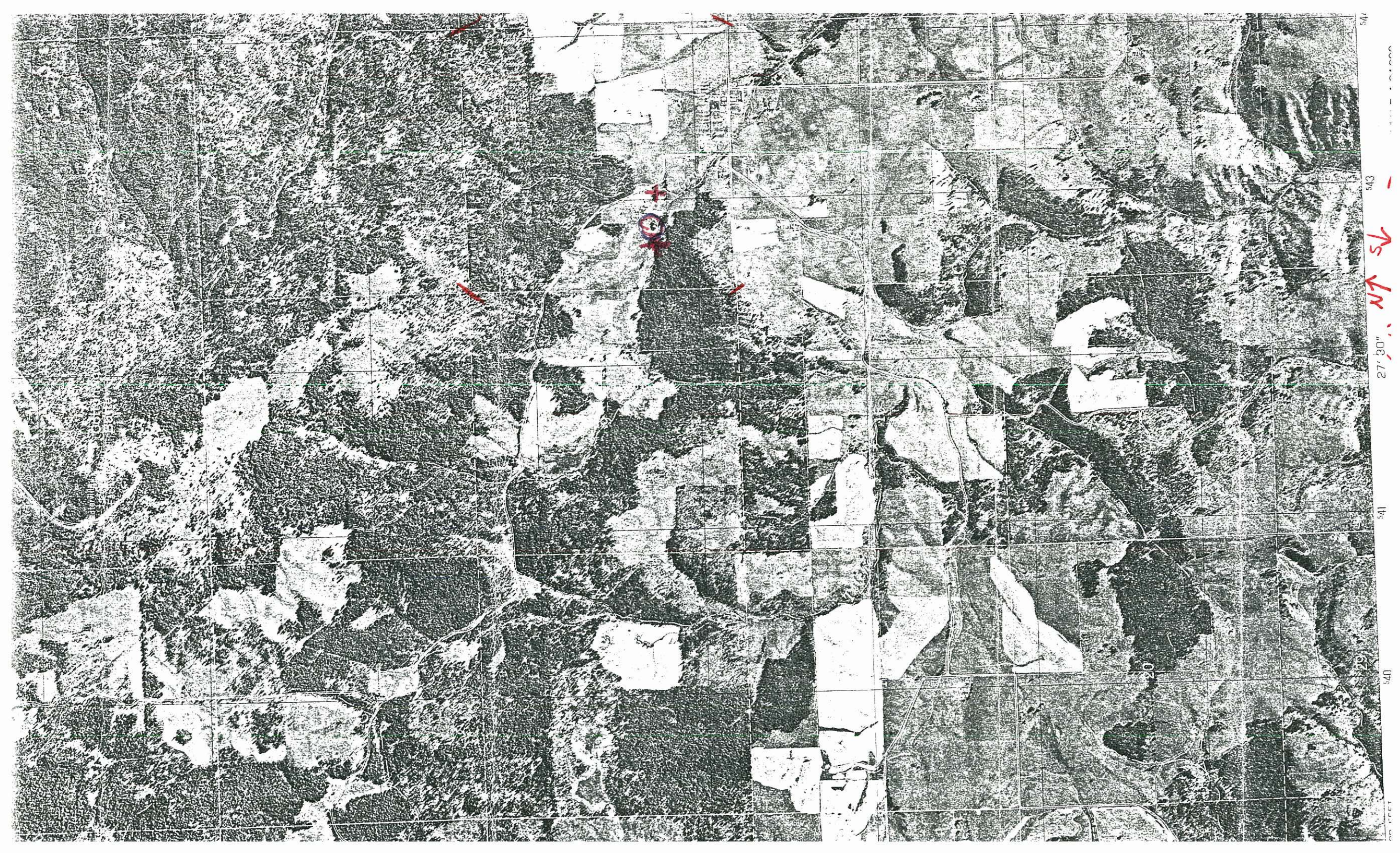
1. Is the name and address complete with zip code?	☒	YES	☐	NO
2. Is a priority date entered?	☒		☐	
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.				
3. (a) Is a source entered?	☒		☐	
(b) Is a tributary to entered? (if required)	☒	N/A	☐	
4. Is the legal description of the p.d. sufficient?	☒		☐	
5. Is there a description of the diverting works?	☒		☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒		☐	
Is the period of use included?	☒		☐	
Is a quantity claimed for each use?	☒		☐	
7. Is a total quantity claimed entered?	☒		☐	
8. If required is a consumptive use entered?	☒	N/A	☐	
Is the consumptive use correct?	☒	N/A	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	N/A	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒		☐	
11. Is (are) the county(ies) entered?	☒		☐	
12. Is the ownership of p.u. checked?	☒		☐	
13. Are other water rights listed or "none" indicated?	☒		☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	N/A	☐	
15. Is the basis of the claim indicated?	☒		☐	
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒		☐	
17. Has the claim been signed, sealed, and dated by a notary?	☒		☐	
18. Was this claim filed on time, or was an extension granted?	☒		☐	
19. Is the fee enclosed correct?	☒	Exempt	☐	
20. If this claim is based on an existing water right, has the identification number been entered?	☒	N/A	☐	
21. Would this claim be receipted and data entered?	☒		☐	

Comments: See my letter requesting more info
another \$ in fees.

Claim checked by: [Signature]

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JUL 6 1992

DI. of use cannot ATTACHED.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

479-10384
A79-10337
Permanent files

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 30, 1988

Mr. and Mrs. Vincent M. Poxleitner
P. O. Box 56
Keuterville, ID 83538

RE: Snake River Basin Adjudication SRBA
#A79-4287 *not filed 2/22/89 pms*

Dear Mr. and Mrs. Poxleitner:

We are returning your Notice of Claim to a Water Right and your check #7862 in the amount of \$25.00.

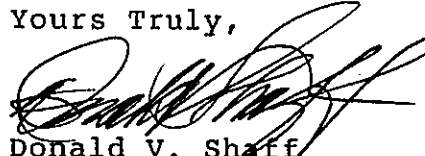
The claim you filed states the the water is used for irrigation of one acre of land. The fee of \$25.00 is limited to a claim for domestic purposes. Domestic purpose is defined as single family domestic use, irrigating less than one-half acre of lawn and/or garden.

The claim you filed would be assessed a filing fee of \$51.00; \$50.00 filing fee, plus \$1.00 for the irrigated acre. In addition, your claim was postmarked September 29. The filing deadline for Lewis County was September 22, therefore you are subject to the late filing penalty of \$50.00. The total fees due for filing this claim will be \$101.00.

If you have extenuating circumstances and some compelling reason why you were not able to meet the filing deadline, you may request an extension of time and waiver of the late filing fee. I have enclosed a form for your possible use.

If you have any questions or concerns, please do not hesitate to contact this office.

Yours Truly,


Donald V. Sharf

Adjudication Section Supervisor

DVS:db

Enclosures

Long Claim Form

Check #7862, \$25.00

Request for Extension of Time

MICROFILMED

OCT 06 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 29, 1988

RECEIVED
JAN 13 1989

Department of Water Resources
Western Regional Office

Poxleitner Sawmill
Vince Poxleitner
Box 56
Keuterville, ID 83538

Dear Mr. Poxleitner:

Enclosed is your copy of Claim No. A79-10384 which reflects your Notice of claim filed during the Idaho County adjudication claims filing. Before we can finalize this claim, more information will be needed.

On your claim form originally submitted, you show the source as a spring and Grave Creek. If the source is a boxed spring with the overflow draining into your log pond, then the source should be a spring tributary to Grave Creek. However, if there is a diversion from Grave Creek into the pond, along with the spring overflow drainage, then both sources are accurate. We have listed the source as a spring only, since no mention was made of a ditch or a pump in Grave Creek. Please let us know if Grave Creek should be added.

Also on your claim you have mentioned that the spring is first used in a home and then into the pond. If there is a domestic use it needs to be added onto this claim in addition to the industrial use for the log pond. The amount of water shown on this claim is reflected in acre feet as the amount stored in the pond. If there is a diversion from Grave Creek, we will need a rate of diversion in either inches, cubic feet per second, or gallons per minute.

Enclosed is a copy of the map for this area. Please designate the location of the log pond, and spring box on this map and return it to us to verify your legal description. If there is a diversion from Grave Creek and if you wish to add domestic use to this claim, please mark the location of the diversion point from Grave Creek and where the home is located for the domestic use.

One last item concerns the fee submitted. The fee for this claim is a \$50.00 flat fee plus a \$1.00 fee for the 1.0 acre foot water claimed for a total of \$51.00. You have submitted a fee of \$30.00, therefore, before this claim can be finalized an additional \$21.00 must be submitted. Adding the domestic use to this claim will not increase the fee.

*See amended
claim as a
result of
claimants
comments
on 2 maps
of this letter
& map.*

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OCT 6 1992

Please submit the map, fee and any other information necessary as soon as possible in order to finalize this filing. Feel free to contact this office, if you have any questions.

Sincerely,

Jan Shurte

Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh

Enclosures: Claim Form
Map

The spring is a 6 x 6 ft. Bored Spring piped
Bemard's house. between the red + on
the map. This line is tied off for water
used in our mill. The pond is built in
the Grove creek at self. which dries up in
May every year. some of the over flow of
the spring enters the pond. the pond is
the black spot in the center of the circle in
Red.

\$21.00 Check enclosed

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OCT 06 1992