

08/28/2004

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

RIGHT NUMBER: 79-10479

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FARM SERVICE AGENCY
9173 W BARNES STE B
BOISE ID 83709-1555

SOURCE: CHAPMAN CREEK

TRIBUTARY: WHITEBIRD CREEK

QUANTITY: 1.750 CFS

USE OF THIS RIGHT WITH RIGHT NO. 79-7037 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.76 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 352 AF.

PRIORITY DATE: 03/15/1964

POINT OF DIVERSION:

T28N R02E S6 NWNE Lot 2 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.750 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T28N R01E S01	SENE	9.5	T28N R01E S01	NESE	25.0
T28N R01E S01	NWSE	0.5	T28N R01E S01	SWSE	6.3
T28N R01E S01	SESE	38.0	T28N R02E S06 Lot 6	NWSW	2.9
T28N R02E S06 Lot 7	SWSW	5.8			

88 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 79-7037 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 88 ACRES IN A SINGLE IRRIGATION
SEASON.

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.

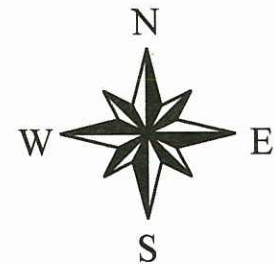
EXPLANATORY MATERIAL: Beneficial Use

79-7037 & 79-10479



T28N R01E & R02E
Section(s) 1 & 6

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: August 27, 2004
Photography: Aerial Photo
Idaho Department of Water Resources

0 800 1600 2400 3200 4000 Feet

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 0, 800, 1600, 2400, 3200, and 4000, followed by the word 'Feet'.

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: A79-10479
Date Received: 5/ 1/1990
Receipt No: X111111
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1577
Address: US DEPT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
3232 ELDER ST
BOISE ID 83705
2. Date of Priority: JAN 17, 1964
3. Source: CHAPMAN CREEK Trib. to: WHITEBIRD CREEK/SALMON RIV
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	02E	6		NW	NE	2	IDAHO
5. Description of diverting works:
1' TALL 10' WIDE @TOP, 6' WIDE @BOTTOM ROCK MASONRY DIVERSION
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.750		
7. Total Quantity Appropriated is:
1.750 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 264.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

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Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
28N	01E	1	SE	NE		IRR	6.0
			NE	SE		IRR	16.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	1	SW	SE		IRR	2.0
			SE	SE		IRR	20.0
						Section Acres	44.0
	02E	6	SW	NW		IRR	2.0
			NW	SW		IRR	20.0
			SW	SW		IRR	22.0
						Section Acres	44.0
						Total Acres	88.0

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:
LICENSE OF WATER RIGHTS #79-7037

14. Remarks:
#8 CONSUMPTIVE USE OF 264 ACRE FEET PER ANNUM OBTAINED FROM
CONSUMPTIVE USE MAP IN INSTRUCTION BOOK. PERMIT 31652/79-02088
LAPSED.
#4 P/D CLAIMED AS T28N R02E S06 NWNE LOT E.

15. Basis of Claim: BENEFICIAL USE

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: _____

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State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 8 1989

KPP
PIN 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 SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A79-10479Date Received 5-01-90Receipt Number X/1111NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

ORIGINAL

Please type or print clearly

(USDA- Farmers Home Admin.)

1. Name of Claimant (s) United States of America Phone (208) 334-1577Mailing Address State Director, FmHA, 3232 Elder St., Boise ID Zip 837052. Date of Priority (Only one (1) per claim) January 17, 19643. Source of water supply (a) Chapman Creek
which is tributary to (b) Whitebird Creek a tributary of the Salmon River4. a. Location of existing point of diversion is: Township 28N Range 2 E Section 6,
NW 1/4 of NE 1/4 of 1/4, Govt. Lot, E B.M., County of Idaho

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 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 enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 1 ft tall 10' wide @ top and
6' wide at bottom rock masonry diversion

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m2

5. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 9-15 amount 1.75 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.75 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 264 acre feet per annum.

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

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	
28N	2E	6							2				20	22					44
28N	1E	1				6									16		2	20	44

Total number of acres irrigated 88

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 XX 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.

license of water rights no #79-7037 or None ()

14. Remarks:

#8 obtained from annual volume of Consumptive Use Map in Instruction Book

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Last Name USDA-FmHA Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit XX
Decree _____
If applicable provide IDWR Water Right Number 31652
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 _____ County Supervisor
of _____ Title
USDA-Farmers Home Administration _____, that I have signed the foregoing
Organization
document in the space below as _____ County Supervisor of _____ Farmers Home Administration
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent A. Craig Schlottman
Title and Organization _____ County Supervisor, FmHA Date May 11, 1989

State of Idaho/XXXXXXXXXXXXXXXXXXXX)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 11th day of May 19 89

SEAL

Notary Public Zeta M. Gubbe
Residing at _____ Grangeville, Idaho
My Commission Expires 12-20-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Peter Monson 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 _____

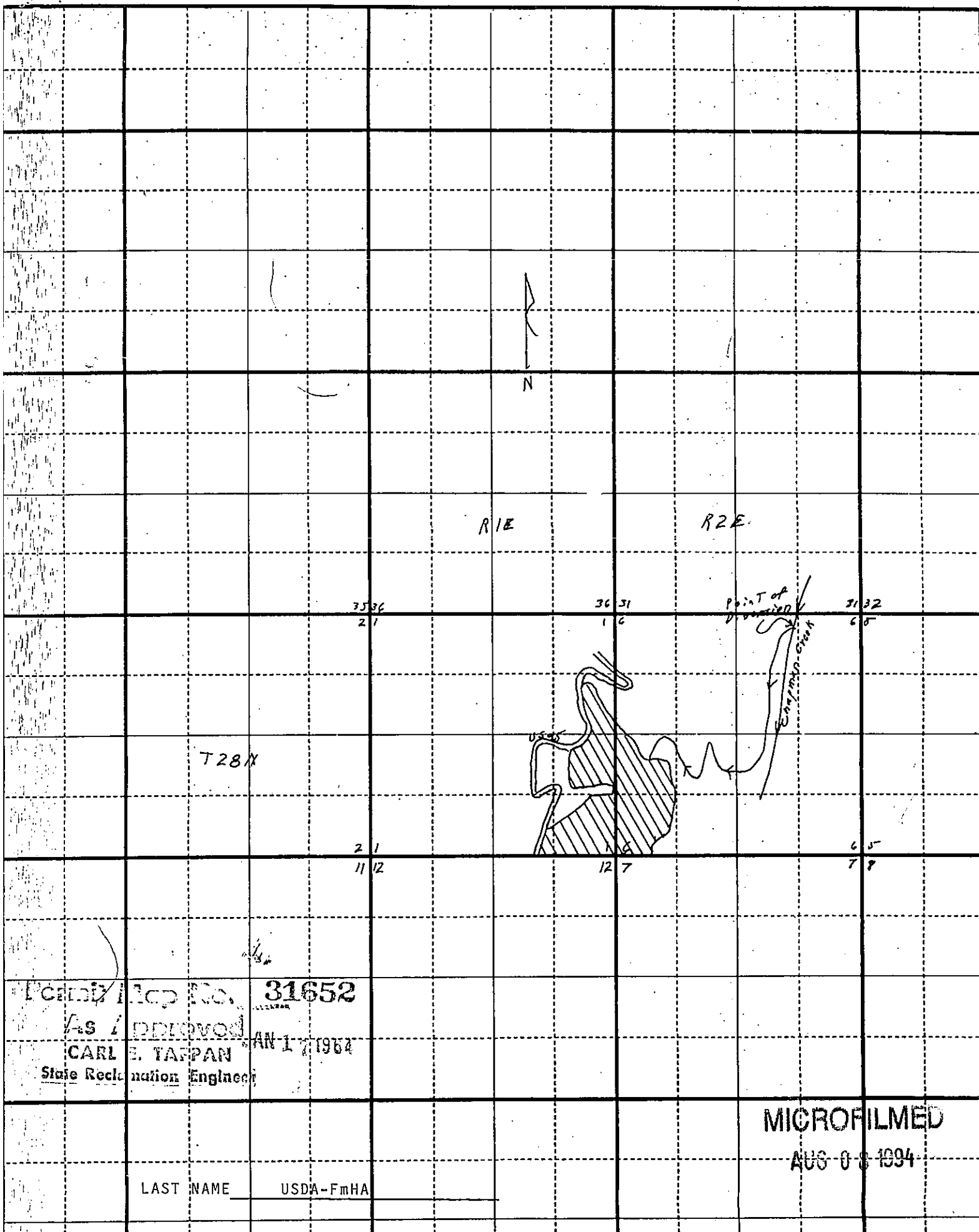
Indian Resource Section
Land of Natural Resource Section
U.S. Department of Justice
P.O. Box 44378
Washington, D.C. 20026-4378

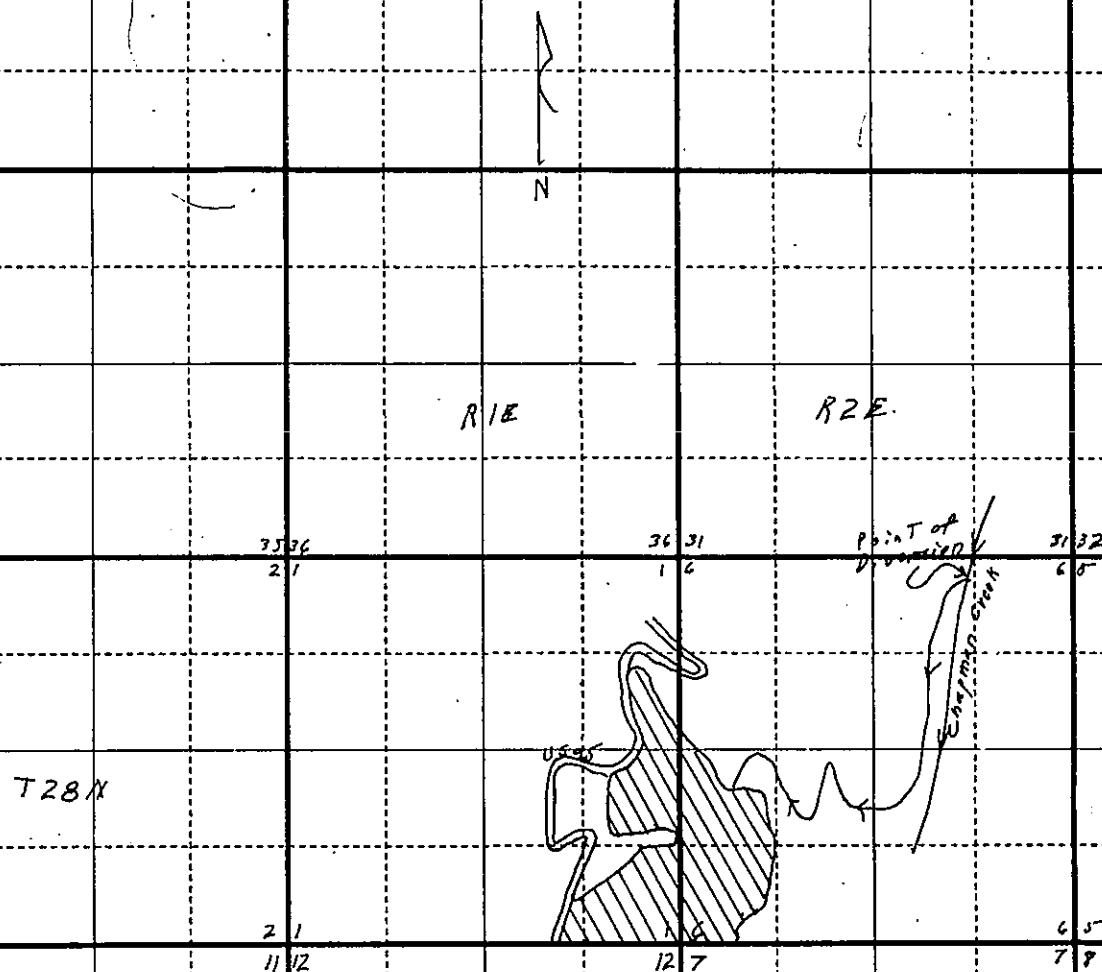
Last Name USDA-FmHA Ident. Number _____

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Copies White-State, Yellow-Claimant

Form No. 0



As /

CARL E. TAPPAN
State Reclamation Engineer

LAST NAME	USDA-FMHA
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5 years.

additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated	88
---------------------------------------	----

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: *None.*

16. (a) Is reservoir to be used? No (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks:

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

Charles E. Beatty
Applicant.

By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____,

_____ State of _____, do hereby certify that I am the owner

of the land on which the spring mentioned in the application of _____ is

located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of _____) ss.

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing

at _____, personally appeared _____

known to me to be the person... whose name... subscribed to the foregoing certificate, and acknowledged to me that he... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires

Notary Public.

Approval of State Reclamation Engineer

The number of this permit is 31652

JAN 17 1964

Recorded in Book 111 Page 31652 Approved

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before

Work to begin on or before March 17, 1964, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before July 17, 1966

The whole of said work to be completed on or before January 17, 1969

Beneficial use of water appropriated in accordance herewith, to be made on or before January 17, 1969

Witness my hand this 17th day of January, 1964

Carl E. Gappan
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE Governor of the State of Idaho,

and ARNOLD WILLIAMS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th day of January, 1964

Countersigned:

By Arnold Williams
Secretary of State.

STATE OF IDAHO

By

Governor.

PERMIT

No. 31652

Date of first receipt at office of State Reclamation Engineer

8:00 A.M. January 10, 1964

Returned to applicant for correction

Corrected application received

Fees, \$ 5.25

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$3.00

For each additional Sec. Ft. or Fraction

Thereof .25

Address all communications to

Charles E. Bentz
P. O. Whitebird, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

RECEIVED
JAN 10 1964
8:00 P.M.
Department of Reclamation

Application No. 39765
Permit No. 31652
District No.

1. Name of Applicant: Charles E. Bentz

Post Office address: Whitebird, County Idaho State Idaho

If applicant is a corporation, give:

- (a) Date and place of incorporation: _____
(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____
(d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ _____

- (b) Treasury stock: _____ (c) Bonds to be issued: _____
(d) Other resources: _____

2. Quantity of water claimed: 1.75 cubic feet per second

3. Source of water supply: Chapman Creek

which is tributary of Whitebird Creek of the Salmon River

4. Location of point of diversion: 1800 feet distant from the NE corner
of Section 6, Twp. 28N, Rge. 2E, B. M., and is in the NW 1/4 of NE 1/4
of Section 6, Twp. 28N, Rge. 2E B. M., County of Idaho

5. Water is to be used for: Sprinkler Irrigation

6. If for any non-irrigation purpose, give:

- (a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, B. M.
(b) Amount of power generated: _____ H. P., under _____ feet head.
(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ 12,000.00

8. Kind of works: Diversion Ditch and Sprinkler System

(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 1 feet; length of dam at top 10 feet; length of dam at bottom 6

feet; material used in dam rock Masonry

(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width 1 feet; Height 1 feet

11. Ditch: Width at bottom 2 feet; Width at water line 3 feet; Depth of water 0.5 feet;

Dimensions of flume _____; Diameter of pipe _____ inches;

Length of conduit 1.3 miles. Average grade per mile 35 feet.

Banner 42 am
Signed H.C. Jones
88 over

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

US Fm HA

CLAIM IDENT. NO.

A79-10479

DATE RECEIVED

5-01-90

CK #

X111111

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
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. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO 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. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
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.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO Beneficial Use
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: [Signature]

Date: 8-20-91

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Date:

Claim data entered by: D. Smith

Date: 8-23-91

Sent to claimant by:

Date:

Checked by: 8-27-91

Date: 8-27-91

Comments: Permit 31652/79-02088 Lapsed.

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