

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

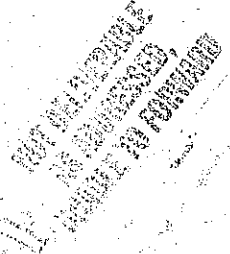
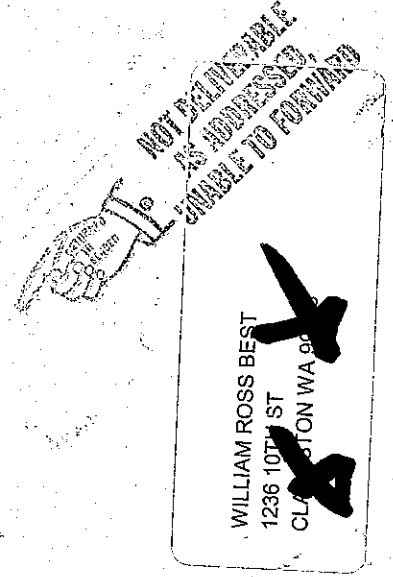
ADDRESS SERVICE
REQUESTED

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

✓
79-13613 P.D.
79-13612

RECEIVED
AUG 29 2006
DEPARTMENT OF
WATER RESOURCES

FIRST CLASS

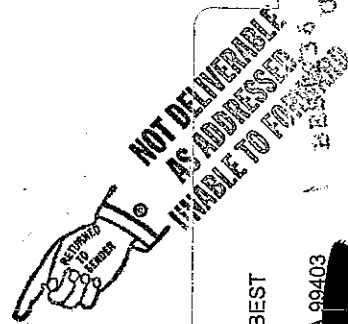


Dep. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

19-13613 ✓
19-13612 ✓ R.O.
19-13611 ✓ R.O.



RECEIVED
NOV 03 2006
DEPARTMENT OF
WATER RESOURCES



WILLIAM ROSS BEST
1236 10TH ST
ACKSTON, WA 99403

NO FORWARD ORDER ON FILE
RETURN TO POSTMASTER
OF ADDRESSEE FOR REVIEW



FIRST CLASS

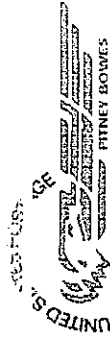
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

b.79 G.R.
79-13613 MC
79-13612 RD.
79-13612

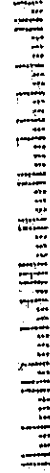
WILLIAM ROSS BEST
1236 10TH ST
CLARKSTON WA

PRESORTED
FIRST CLASS



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\$00.29³
FEB 01 2007
MAILED FROM ZIP CODE 83702

WATER RESOURCES



83720-0098

12/07/2005

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

RIGHT NUMBER: 79-13613

NAME AND ADDRESS: WILLIAM ROSS BEST
1236 10TH ST
CLARKSTON WA 99403

SOURCE: SOTIN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.100 CFS

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

PRIORITY DATE: 12/15/1902

POINT OF DIVERSION:

T28N R01E S33 NESWNE End of Stream Flow Within IDAHO County

T28N R01E S33 SENENW Within IDAHO County

T28N R01E S33 SENENW Begin of Stream Flow Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 10/31	0.100 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T28N R01E S33 SWNE 3.2

STOCKWATER same as IRRIGATION

3.2 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

79-13613

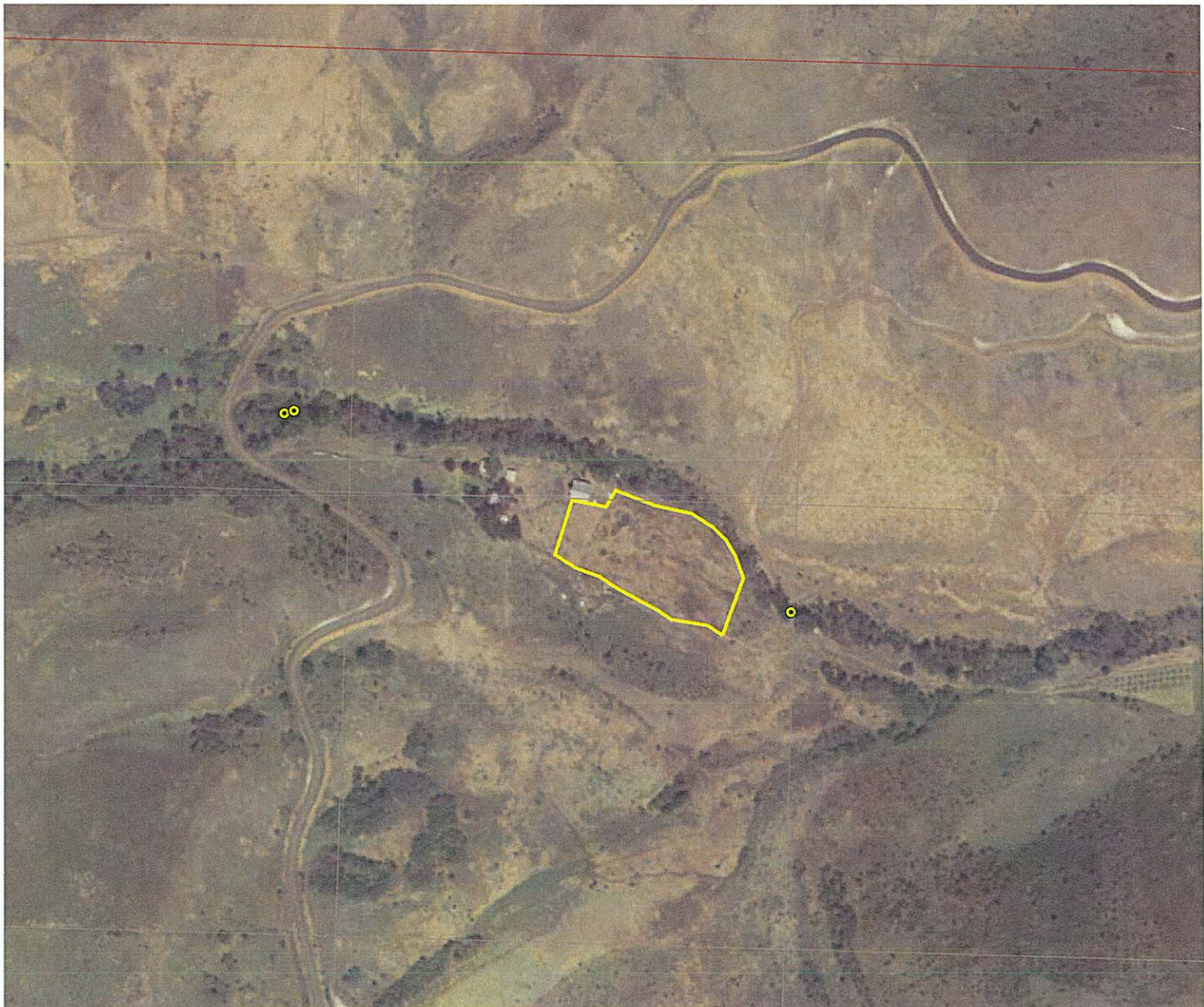
T28N R1E Section 33



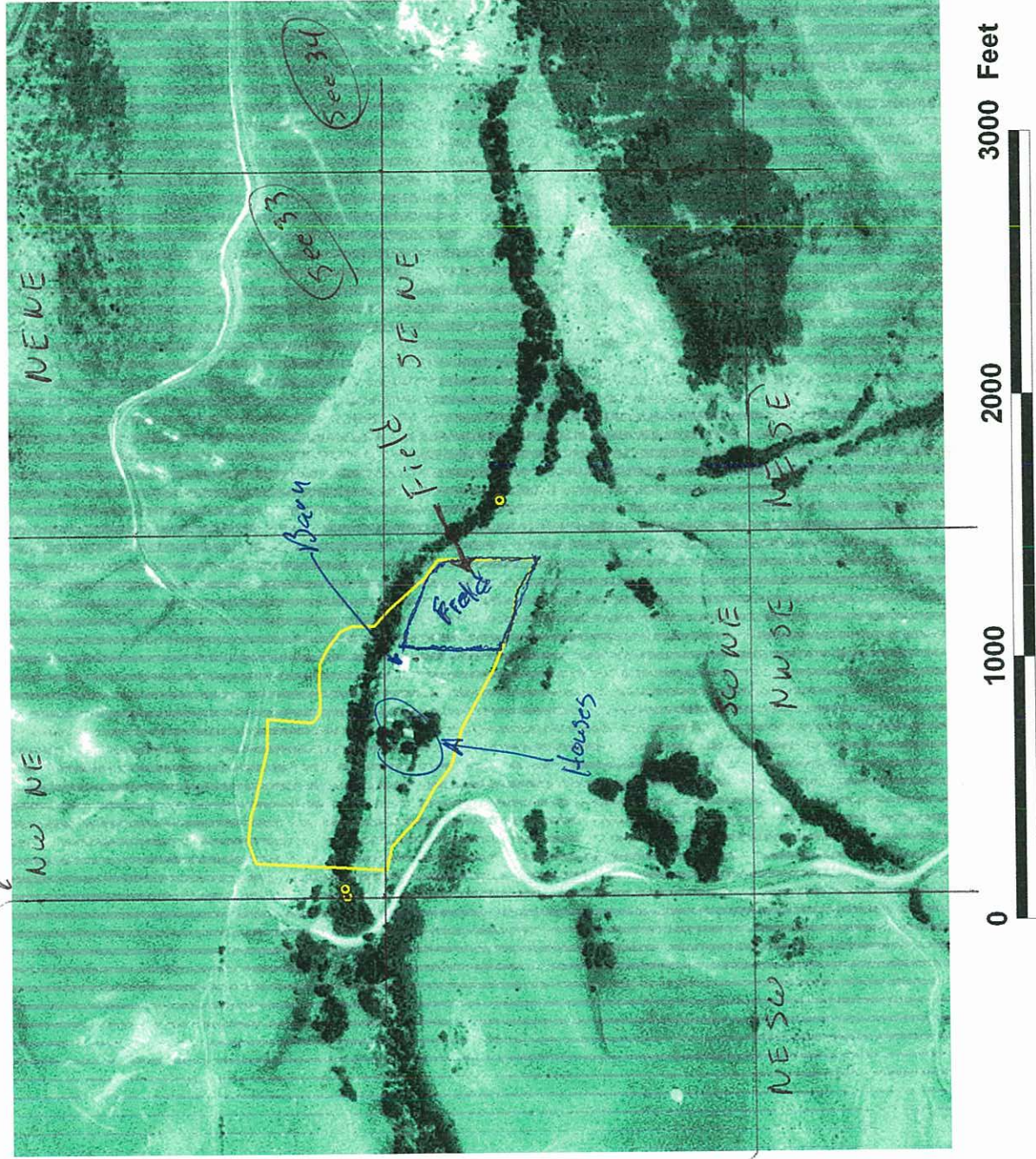
Place of Use



Point of Diversion

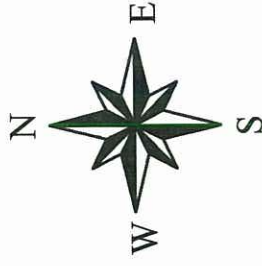


79-13613



T28N R01E Section 33

- Point of Diversion
- Place of Use



Map prepared by: Greg Taylor
Date Prepared: March 24, 2004
Idaho Department of Water Resources

79-13613

Field Exam Notes

Date of Exam: August 10, 2005

Several attempts were made to contact the claimant, William Best. All attempts failed, so a field exam was done with no claimant contact.

An exact point of diversion (POD) was not found for the upper POD as indicated on the photo-quad map. There was, however, a partially buried ¾" black poly-pipe (*Photo's 1, 2 & 3*) found in the area of the indicated POD. It was located in a high water channel of Sotin Creek just a few feet south of Sotin Creek itself. The GPS location of this pipe was **N45° 43' 29.3"** by **W116° 20' 21.2"**. A check of this location showed it to be west of the road. The actual location, however, is east of the road and very near the indicated POD on the photo-quad map. A plugged end to the pipe (*Photo 3*) was found about fifty feet (50') down stream from where the GPS point was taken. (This plugged end may have been used to irrigate around the house.) The pipe was severed and in a general state of disrepair along its known length. It is thought that this condition is due to natural causes.

A second POD was found east of the indicated property at a GPS point of **N45° 43' 27.7"** by **W116° 19' 57.3"** (*Photo 4*). The diversion consisted of an earthen and gravel dam and a six inch (6") diversion pipe. This pipe parallels Sotin Creek. At a point about fifty (50) to one hundred (100) feet below the POD, the pipe empties onto a screen and into another six inch (6") pipe (*Photo 5*) that continued in the same general direction, away from the property, for a short distance until it goes underground. The screen and pipe are lower in elevation than the indicated place of use (POU). However, no other indication of this diversion was found.

A fenced field (*Photo 6*) was located to the southeast of the barn and had feed tubs made out of old tires (*Photo 8*) and what maybe a water tank (*Photo 7*). There was no visible means of filling the tank on the day of the exam. Dried mud around the feed tubs (but not around the water tank) indicated that a herd of cattle had last been in the field sometime during the late winter or early spring. The north fence of the field followed Sotin Creek and had a short jog in it where cattle could gain access to Sotin Creek (*Photo 9*). There were cattle trails leading to the creek at this point.

A search of the Idaho Department of Water Resources (IDWR) public web site indicated that there are no other POD's or POU's in common with this claim.

Field Examiner:



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: **A79-13613**

Date Received: 4/15/1997

Receipt No: W022134

Received By: _____

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

1. Name: WILLIAM R BEST 509-758-2257
Address: 1236 10TH ST
CLARKSTON WA 99403

2. Date of Priority: DEC 31, 1895

3. Source: SOTIN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	33	SW	NW	NE		IDAHO

Beginning Point of Instream Flow							
28N	01E	33	SE	NE	NW		IDAHO

Ending Point of Instream Flow							
28N	01E	33	NE	SW	NE		IDAHO

5. Description of diverting works:
WATER FLOWS FROM BEHIND A SMALL DAM INTO A PIPED DISTRIB. SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.320		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 63.6 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 12 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	33	NW	NE		IRR	10.0 10/16/1914
			SW	NE		IRR	6.0 12/15/1902
Section Acres							16.0
Total Acres							16.0

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:

WATER FROM SPRING USED TO IRRIG. LAWN & GARDEN WHEN CREEK IS DRY.

14. Remarks:

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: _____

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 _____

APR 15 1997

WATER RESOURCES
WESTERN REGIONIN 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

A79-13613

Date Received

4-15-1997

Receipt Number

W022134NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) William R Best Phone (509) 758-2257Mailing Address 1236 10th St, Clarkston, WA Zip 994032. Date of Priority (Only one (1) per claim) 18953. Source of water supply (a) Sotin Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 28N Range 1E Section 33,
SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of IdahoAdditional points of diversion if any: SW 1/4, NW 1/4, NE 1/4

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

Township 28N Range 1E Section 33, SE 1/4 of NE 1/4 of NW 1/4,Govt. Lot _____ B.M., County of Idahoending point is: Township 28N Range 1E Section 33, NE 1/4 of SW 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of Idaho5. 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.Water flows from behind a small dam (approx. 2 ft high x
8 ft wide) into a piped distribution system.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.32 or _____

For Stockwater purposes from 1-1 to 12-31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.34 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 63.6 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: 12 Cattle

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	
<u>28N</u>	<u>1E</u>	<u>33</u>		<u>10</u>	<u>6</u>														<u>16</u>

Total number of acres irrigated 16

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.

Water from spring is used to irrigate lawn & garden or None ()

14. Remarks: when creek is dry.

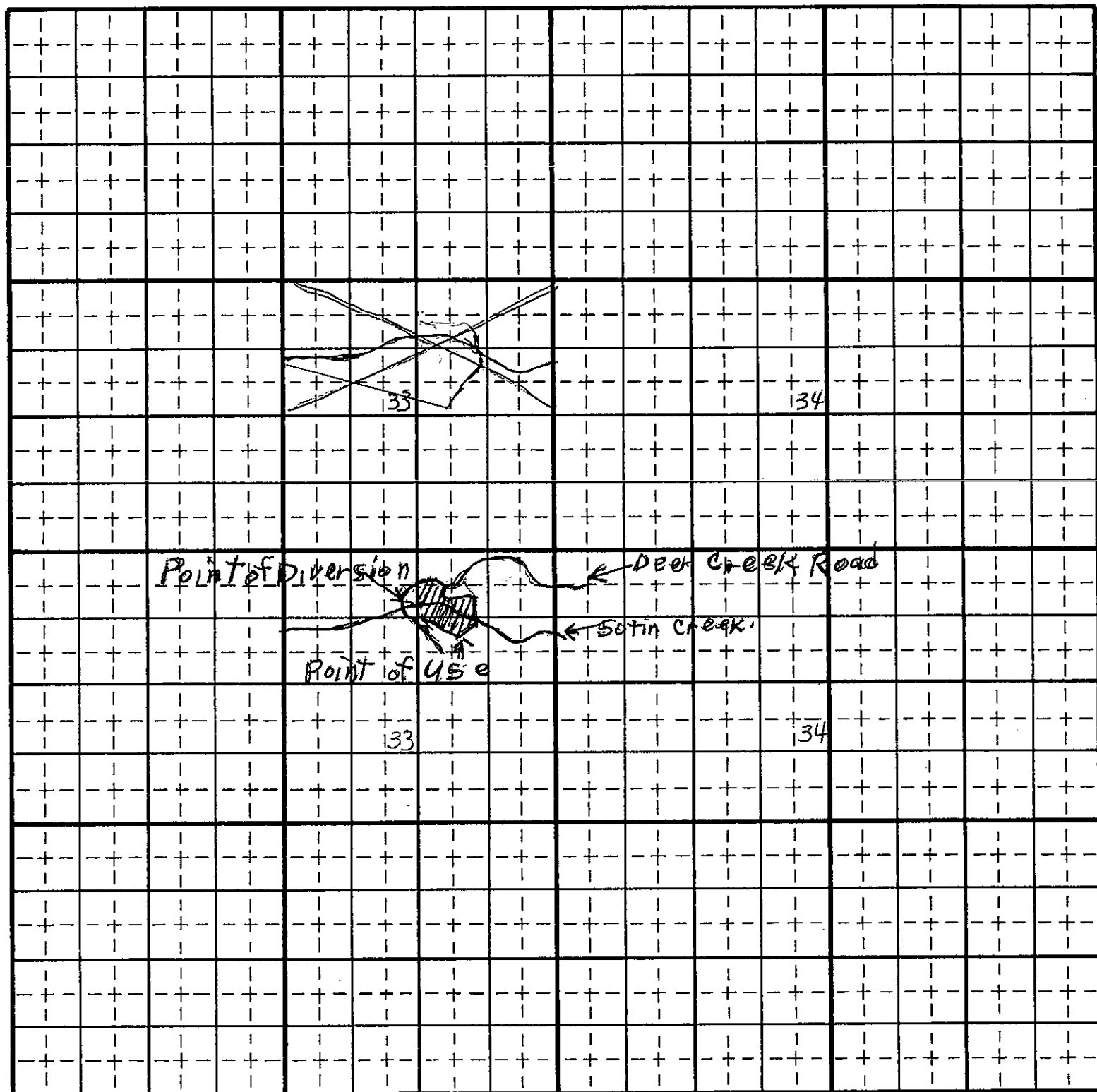
Last Name Best Ident No. _____

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

T28N R1E Sect 33



Last Name Best Ident No. _____

Copies: White-State, Yellow-Claimant

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) Wm. R. Best Date April 3, 1997

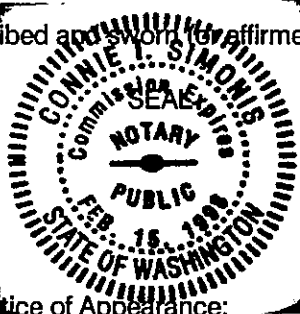
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or Wash.)
County of Asotin) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of April 19 97



Notary Public Connie L. Simonis
Residing at Clackitum
My Commission Expires 2-15-1998

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 _____ Ident. Number _____

Copies White-State, Yellow-Claimant

CLAIMANT'S NAME William BestCLAIM IDENT. NO. A79-DATE RECEIVED 4-15-97 RECEIPT # W022134 FEE PAID \$ 166. FEE REQ'D \$ 66.

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered? . . . <u>use 12-31 for mo & day</u>	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? . . . ☒ *			
See Adjudication Memos #1 and #4 to determine if a Permit is required.			
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 D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.			
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? . . . <u>3.0 AF</u> N/A	☐	☒	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☒	☐	*
Is multiple domestic, is single ownership indicated? 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. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A	☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found? *			
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A	☐	☒	
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid? <u>Assume not wanted</u> N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time?	☐	☒	*
(Check ML3 for date mailed-not all were mailed on the planned date)			
If no, was an extension of time filed & approved? *			
22. Is the fee enclosed correct? Exempt	☒	☐	*

→ Claimant not on ML3 -

YES NO

23. Is this claim being rejected and returned to claimant?

24. Can this claim be data entered?

25. Was claim modified?

If yes, do modifications require notification to claimant?
Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: Ray Walker Date 4-15-97
Claim data entered by: JWT Date 4-17-97

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments:

Modified priority date - was
12-31 '92, that month 9-day POK
Adj. Memo #15.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1118 F. St, Lewiston, Idaho 83501

Phone: (208) 743-0301 FAX: (208) 743-0415 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2005

79-13613
WILLIAM R BEST
1236 10TH ST
CLARKSTON ID 99403

RESPONSE DEADLINE
MARCH 25, 2005

Re: Evidence of Priority Date

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

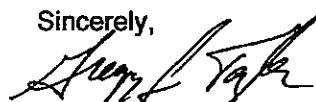
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office at 1-208-743-0301.

Sincerely,



Gregory J. Taylor
Sr. Water Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

APRIL 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

[WILLIAM ROSS BEST
1236 10TH ST
CLARKSTON WA 99403]

[Dear Claimant(s):]

We have processed your Notice(s) of Claim to a Water Right filed in the Snake River Basin Adjudication.

In the initial review of this claim(s) we found it necessary to either complete or change an item or items on your claim form(s). A copy of the computer generated copy with these changes and the receipt for the filing fee previously submitted are enclosed. ONLY THE ITEM(S) SHOWN BELOW WITH A CHECKMARK HAVE BEEN EITHER CHANGED OR ADDED TO YOUR CLAIM(S). IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).

X
Item #2 - Only a portion of your priority date was listed. This item requires a month, day and year. We have added in the required information based on the Department's rules for dates of priority.

Item #4 - The point of diversion appears to be incorrectly described or not described at all. Based on other information provided which included your legal description, we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, enclosed is a copy of the subdivision map from which we computed the quarter-quarter legal description.

Item #5 - No description of diverting works was listed. Because the source was described as a groundwater source, we have completed this item with well, pump and pipeline. If your groundwater source is not a well, please notify us.

Item #6 - The period of use is not listed for the use(s) claimed. The Department has recommended periods of use for certain uses. The recommended period of use has been added to your claim.

_____ Item #7 - The total quantity claimed was not completed. The use(s) claimed have been added together and this amount added to your claim.

_____ Item #9 - The number of homes was not listed on your claim. It appears to be filed for one domestic home and this information has been added to your claim.

_____ Item #10- The place of use appears to be incorrectly described, or not described at all. Based on other information submitted we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, we have enclosed a copy of the subdivision map from which we computed the quarter-quarter legal description. Or, if you have listed a quarter-quarter legal description under Item No. 4, we have listed this same quarter-quarter, section township and range on this item.

_____ Item #12- The ownership of the place of use has not been marked. We have assumed you own the place of use and this information has been added to your claim.

_____ Item #15- Basis of Claim was not completed. No previously recorded water rights were found, therefore, we have marked beneficial use of the water as the basis for filing this claim.

_____ Other _____

If you have any problems or questions concerning these additions and/or changes, please contact this office within 30 days from the date of this letter. If we do not hear from you within this time, we will assume you agree with these changes, and your claim will remain on file as shown on the enclosed data entered copy.

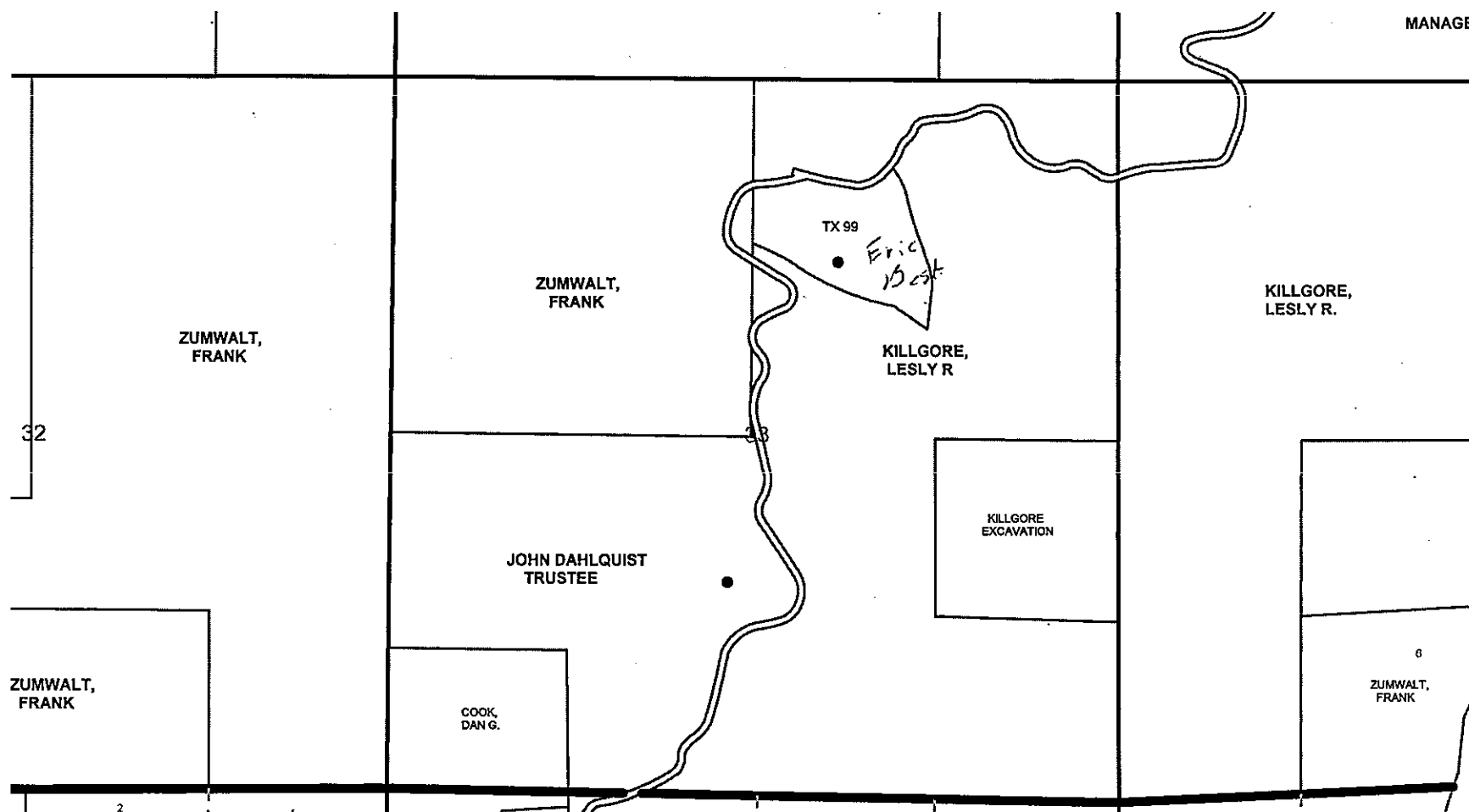
Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

MANAGEI



Slate Creek '96
79-13613

79-13613

T 28 N
T 27 N
42' 30"

Arrow P. Location
SSE POO

