

205

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: A63-04926
Date Received: 6/19/1990
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: AUG 15, 1951

3. Source: PONDS

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	16	NW	NW			CANYON

5. Description of diverting works:
RES. & PIT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROP. STORAGE	01/01	12/31			775.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 775.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	16	NW	NW		FIS S	

11. Place of use in counties: CANYON

A63-04926

Page 1

Date: 07/06/90

MICROFILMED
AUG 20 1992

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: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

#6072

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: A63-04926
Date Received: 6-19-70
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83720
07

2. Date of Priority: AUG 15, 1951

3. Source: PONDS Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	16	NW	NW			CANYON

5. Description of diverting works:
RES. & PIT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROP. STORAGE	01/01	12/31			775.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 775.00 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
04N	03W	16	NW	NW		FIS S	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am Chief, Field Operations of
the Idaho Dept. of Fish and Game, that I have signed the foregoing
Organization
document in the space below as Acting Director of
the Idaho Dept. of Fish & Game and that the statements contained in the
Organization
foregoing document are true and correct.

Larry Mallet
Signature of Authorized Agent
Chief, Field Operations
Idaho Dept. of Fish and Game
Title and Organization

June 14, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of June 19 89

Dorothy Baker
Notary Public

Seal

Residing at Emmett, Idaho

A63-04926

Page

My Commission Expires October 31, 1991
2 Date: 02/14/89

MICROFILMED
AUG 20 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

ID F&G

CLAIM IDENT. NO.

A63-04924

DATE RECEIVED

6-19-90

CK #

TO1734

AMOUNT \$

600.72

YES

NO

Require
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 *ok FISH* *
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 *none*
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
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: rat

Date:

7-5-90

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒

Receipt Prepared by:

Claim data entered by: rat

Sent to claimant by: _____

Date:

Date:

Date:

Checked by: rat

Date:

7-6

Comments: _____

MICROFILMED

AUG 20 1992

12/10/2006

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

RIGHT NUMBER: 63-4926

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: PONDS TRIBUTARY: BOISE RIVER

QUANTITY: 86.00 AFY

PRIORITY DATE: 07/27/1927

POINT OF
DIVERSION: T04N R03W S16 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	86.00 AFY

PLACE OF USE: RECREATION STORAGE in CANYON County

T04N R03W S16 NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

Place of use is also known as the Caldwell Ponds.

06/16/2006

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

RIGHT NUMBER: 63-4926

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: PONDS

TRIBUTARY: BOISE RIVER

QUANTITY: 86.000 AFY

PRIORITY DATE: 07/27/1927

POINT OF DIVERSION:

T04N R03W S16 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	86.00 AFY

PLACE OF USE: RECREATION STORAGE Within CANYON County

T04N R03W S16 NWNW

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 - Beneficial Use

Place of use is also known as the Caldwell Ponds.

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-4926

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

RECEIVED

OCT 30 2006

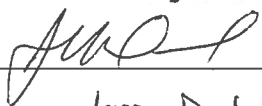
**WATER RESOURCES
WESTERN REGION**

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/27/06 SIGNATURE: 
Please print your name: Jerry Deal

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

~~465-8479~~
~~Rick Alsager,~~
~~Hatchery Manager~~ ← not applicable

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4926

Property Address:
Ø Gravel Lane
Caldwell

WATER RIGHT NUMBER: 63-4926 ✓

Owner Type

Current Owner

Name and Address

STATE OF IDAHO ✓
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
(208)334-3700

Priority Date: ~~08/16/1961~~ ✓

Basis:

~~Statutory Claim~~

Status:

Active

Beneficial Use

State of ID

P.O. Box 83720

Boise 83720-0050

Source

PONDS ✓

Tributary

BOISE RIVER ✓

Beneficial Use

~~FISH PROPAGATION STORAGE~~ ✓
RECREATION

From To

1/01 to 12/31 ✓

Diversion Rate

Annual Volume

86.0 ~~775.00 AF~~ ✓

Total Diversion:

86.0 ~~775.00 AF~~ ✓

Location of Point(s) of Diversion

PONDS

CANYON County ✓

NW1/4NW1/4 ✓

Sec. 16, Twp 04N, Rge 03W, B.M. ✓

Place of Use

~~FISH PROPAGATION STORAGE~~ ✓
RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	03W	16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X											

AKA. - the "Caldwell Ponds"

Conditions of Approval:

Remarks:

Comments:

Parcel No: R3497000000. (46.0 Ac)

Field Exam Date 6.16.06
(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 60.72
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

None in NW 1/4, S16

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-4926

Owner: State of Id - Fish & Game Phone No. _____

Current Address: P.O. Box 25, Boise 83707

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☒ NEW ADDRESS
- ☐ How long owned property?

P.O. Box 83720, Boise

83720-0050

Accompanied by: N/A

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 8/15/51

* Affidavit submitted by Jerry W. Deal on 4/19/06.

(If priority date, based on your exam, seems questionable, explain below.)

Source: Ponds Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

These two ponds are basically old gravel pits that fill naturally. There is no specific point of diversion.

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

- ☐ No change
- ☐ Different Uses

Changed "Fish Propagation Storage" use to "Storage For Recreation" due to stocking of fish (see Affidavit).

Use Storage From To Amount CFS 86.0 AFA

Use For Recreation From To Amount CFS AFA

Use From To Amount CFS AFA

Volume -

Large Pond: 6.6 AC x 10 ft. (maximum depth) = 66.0 AF Small Pond: 2.2 AC x 9 ft. (max. depth) = 19.8 AF

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount CFS AFA
- ☒ Changes found, the new total is, Amount CFS 86.0 AFA
- ☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

66.0 AF
+ 19.8 AF
85.8 ~~86.0~~ AF

NON-IRRIGATION USES:

RECREATION STORAGE *

- ☐ No change
- ☒ Changes Exam found: Domestic # of homes Stock #
- Types Additional comments: These ponds are not used for fish propagation. Instead, the public may use these ponds to fish for stocked Rainbow trout, bass, perch, etc. (see Affidavit).

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

⇒ RECREATION

Parcel No: R 3497000000. 2

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-138E, 63-252, 63-369

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

no overlap

Delivery System Narrative:

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 6.16.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4926

WATER RIGHT NUMBER: 63-4926

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700

Priority Date: 08/15/1951
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
PONDS	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION STORAGE	1/01 to 12/31		775.00 AF
	<u>Total Diversion:</u>		775.00 AF

<u>Location of Point(s) of Diversion</u>		
PONDS	NW1/4NW1/4	Sec. 16, Twp 04N, Rge 03W, B.M.
CANYON County		

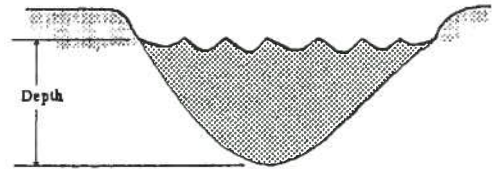
Place of Use
FISH PROPAGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	03W	16						X											

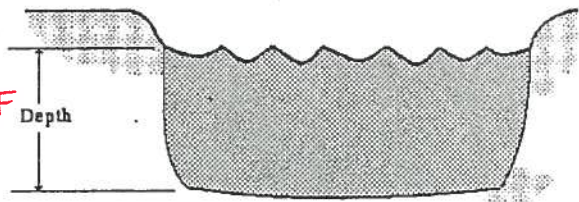
Conditions of Approval:Remarks:Comments:

3. DETERMINING RESERVOIR CAPACITYA. V shaped reservoirs, lakes, and ponds.

$$\text{Capacity} = \text{Surface Area} \times \text{Maximum Depth} \times 0.4$$

B. Flat Bottom reservoirs, lakes, and ponds.Large Pond -

$$6.6 \text{ AC} \times 10 \text{ ft. (maximum depth)} = 66 \text{ AF}^*$$

Small Pond -

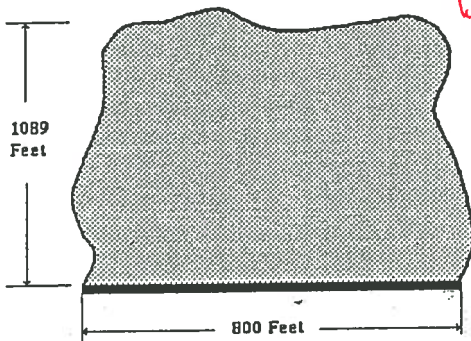
$$2.2 \text{ AC} \times 9 \text{ ft. (maximum depth)} = 19.8 \text{ AF}^*$$

$$\text{Capacity} = \text{Surface Area} \times \text{Maximum Depth}$$

$$\begin{array}{r} 66.0 \text{ AF} \\ + 19.8 \text{ AF} \\ \hline 85.8 \text{ AF} \Rightarrow 86.0 \text{ AF} \end{array}$$

EXAMPLES:

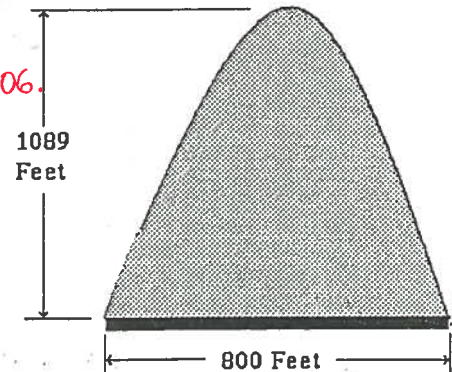
* See email message from
Dennis Hardy,
dated 5/24/06.



1. Smith Creek Pond is 800' wide,
1089' long and 9' deep.

$$\begin{aligned} \text{Surface Area} &= \frac{800' \times 1089'}{43,560} \\ &= 20 \text{ acres} \end{aligned}$$

$$\begin{aligned} \text{Capacity} &= 20 \text{ acres} \times 9 \text{ feet} \\ &= 180 \text{ acre feet} \end{aligned}$$



1. Trout Creek Reservoir is 800' wide,
1089' long and 9' deep.

$$\begin{aligned} \text{Surface Area} &= \frac{1/2(800') \times 1089'}{43,560} \\ &= 10 \text{ acres} \end{aligned}$$

$$\begin{aligned} \text{Capacity} &= 10 \text{ acres} \times 9 \times 0.4 \text{ feet} \\ &= 36 \text{ acre feet} \end{aligned}$$

#63-4926
1987 NAPP

NWNW

6.6 AC

NENW

NW

2.2 AC

SWNW

SENW

SW

16

Brown, Kimberly

From: Hardy,Dennis [dhardy@idfg.idaho.gov]
Sent: Wednesday, May 24, 2006 2:22 PM
To: Robertson,Cindy; Deal,Jerry; Brown, Kimberly
Subject: RE: Water Right Claim #63-4926

I have attached a map of Caldwell Ponds with the depths I was able to get today. The deeps reading I had while moving to each grid mark was 12' but for the most part the bottom was fairly constant with steep banks as you might expect from an old gravel pond. Hope this helps and sorry it took so long to get it done.

Dennis D. Hardy
Southwest Region Fishing and Boating Access
3101 S. Powerline Rd.
Nampa, Idaho 83686
208-465-8465
Fax 208-465-8467

From: Robertson,Cindy
Sent: Tuesday, May 23, 2006 3:06 PM
To: Deal,Jerry; 'Brown, Kimberly'
Cc: Hardy,Dennis
Subject: RE: Water Right Claim #63-4926

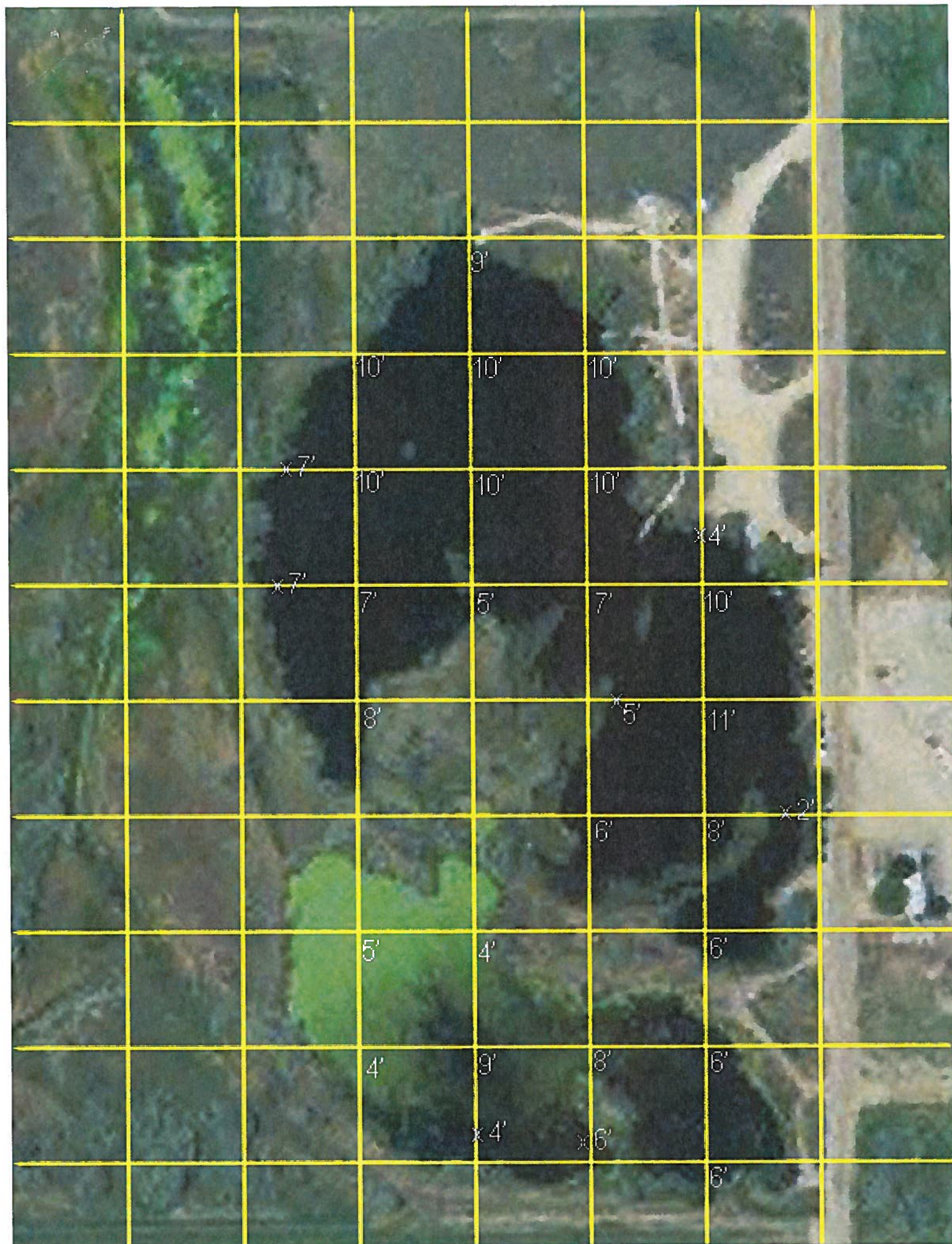
Thanks for the update, Jerry. If I can provide additional assistance, let me know.

Cindy Robertson
Program Coordinator
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707
PH: (208) 287-2715
FAX: (208) 334-2114
Email: crobertyson@idfg.idaho.gov
Note new email address

From: Deal,Jerry
Sent: Tuesday, May 23, 2006 12:44 PM
To: Robertson,Cindy; 'Brown, Kimberly'
Cc: Hardy,Dennis
Subject: RE: Water Right Claim #63-4926

Cindy and Kimberly,
Due to illness and some other unplanned events with the access crew, we have not yet obtained the data for water depth at Caldwell Ponds to facilitate estimation of volume. Dennis is scheduled to go take measurements tomorrow, and I will forward those results as soon as possible. JERRY

5/25/2006



CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-4926
Notice of Error Reply**

April 25, 2006

After receiving evidence of priority, I called Jerry Deal, #465-8465, ext. 306, and left a message on his answering machine. Basically, I had several questions, but wanted to make sure that the F&G did not stop stocking in 1967; based on the list he sent with his affidavit. I don't believe this is the case, only that he sent me one page in order to establish the first use.

I also called Cindy Robertson (#287-2715) and spoke to her. She verified that the ponds are not used for fish propagation. Ms. Robertson said that the ponds exist so that "people can go and catch stocked Rainbow trout, bass, perch, etc.; like the Park Center ponds." Ms. Robertson said that they are managed primarily as a public access fishing site.

April 26, 2006

Jerry Deal returned my call. When I asked Mr. Deal if he knows the depth of the ponds, he replied that he did not. When I asked him about the point of diversion, he said that he doesn't believe there is a specific point of diversion. "They just stay full," he replied. "Basically, they're a gravel pit and water leaks through from the river," he said. He informed me that these ponds were once called "the gravel pit ponds."

Regarding the depth of the ponds, Mr. Deal will talk to his field guy and ask him if he knows their depth and how/where the water enters the ponds.

After making some calls, Mr. Deal called me back later that afternoon and said that "nobody knows the depth of the ponds" and, concerning a point of diversion (POD), he stated that he thinks the POD is "just sub-water from the Boise River."

Since F&G came up with 775.0 AFY, I asked Mr. Deal if he could figure out how they came up with this amount (requires the maximum depth of the ponds) and get back to me.

Kimberly Brown
Senior Water Resource Agent
Western Region

Brown, Kimberly

From: Brown, Kimberly
Sent: Friday, June 16, 2006 8:49 AM
To: 'Deal, Jerry'
Subject: RE: Annual Volume for 63-4926 ponds

Mr. Deal,

Using the equation for a flat bottom pond, instead of a V-shaped pond (which I initially applied to my calculations), here is what I come up with:

Capacity of Flat Bottom Ponds = Surface Area x Maximum Depth

Large Pond:

6.6 Acres x 10 ft. (maximum depth) = 66 AF

Small Pond:

2.2 Acres x 9 ft. (maximum depth) = 19.8 AF

Capacity:

66.0 AF + 19.8 AF = 85.8 = **86.0 AF**

This volume makes more sense than the claimed 775.0 AF for using the equation for V-shaped ponds, so it appears that we have a suitable "compromise" here! Please contact me if you have any comments or questions.

Kimberly Brown
Senior Water Resource Agent
Western Region

-----Original Message-----

From: Deal, Jerry [mailto:jdeal@idfg.idaho.gov]
Sent: Thursday, June 15, 2006 4:48 PM
To: Brown, Kimberly
Subject: RE: Annual Volume for 63-4926 ponds

No problem. I appreciate the help. JERRY

From: Brown, Kimberly [mailto:Kimberly.Brown@idwr.idaho.gov]
Sent: Thursday, June 15, 2006 4:12 PM
To: Deal, Jerry
Subject: Annual Volume for 63-4926 ponds

Mr. Deal,
I apologize, things became a tad hectic after I got off the phone with you, so I won't have a definitive number for you until tomorrow morning. I hope that will work for you.

6/19/2006

Sincerely,

Kimberly Brown
Senior Water Resource Agent
Western Region

Brown, Kimberly

From: Deal, Jerry [jdeal@idfg.idaho.gov]
Sent: Tuesday, May 23, 2006 12:44 PM
To: Robertson, Cindy; Brown, Kimberly
Cc: Hardy, Dennis
Subject: RE: Water Right Claim #63-4926

Cindy and Kimberly,

Due to illness and some other unplanned events with the access crew, we have not yet obtained the data for water depth at Caldwell Ponds to facilitate estimation of volume. Dennis is scheduled to go take measurements tomorrow, and I will forward those results as soon as possible. JERRY

From: Robertson, Cindy
Sent: Tuesday, May 23, 2006 12:07 PM
To: Brown, Kimberly
Cc: Deal, Jerry
Subject: RE: Water Right Claim #63-4926

Kimberly

I spoke with Jerry about two weeks ago and he said he would get the information on the pond volume, etc. I think it would be fine for you to contact Jerry directly to see where he's at with regards to getting that info.

Cindy

Cindy Robertson
Program Coordinator
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707
PH: (208) 287-2715
FAX: (208) 334-2114
Email: crobertson@idfg.idaho.gov
Note new email address

From: Brown, Kimberly [mailto:Kimberly.Brown@idwr.idaho.gov]
Sent: Tuesday, May 23, 2006 11:56 AM
To: Robertson, Cindy
Subject: Water Right Claim #63-4926

5/23/2006

Cindy,

It is my understanding that my supervisor, Jan Shurte, spoke to you around the first of this month regarding how your department came up with the annual volume of 775 AF claimed for #A63-4926. Should I re-contact Jerry Deal for this information or is it something that you are able to obtain?

Thank you for your assistance in this matter.

Sincerely,

Kimberly Brown
Sr. Water Resource Agent
Western Region

5/23/2006

Brown, Kimberly

From: Robertson,Cindy [crobertson@idfg.idaho.gov]
Sent: Tuesday, May 23, 2006 12:07 PM
To: Brown, Kimberly
Cc: Deal,Jerry
Subject: RE: Water Right Claim #63-4926

Kimberly

I spoke with Jerry about two weeks ago and he said he would get the information on the pond volume, etc. I think it would be fine for you to contact Jerry directly to see where he's at with regards to getting that info.

Cindy

Cindy Robertson
Program Coordinator
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707
PH: (208) 287-2715
FAX: (208) 334-2114
Email: crobertson@idfg.idaho.gov
Note new email address

From: Brown, Kimberly [mailto:Kimberly.Brown@idwr.idaho.gov]
Sent: Tuesday, May 23, 2006 11:56 AM
To: Robertson,Cindy
Subject: Water Right Claim #63-4926

Cindy,
It is my understanding that my supervisor, Jan Shurte, spoke to you around the first of this month regarding how your department came up with the annual volume of 775 AF claimed for #A63-4926. Should I re-contact Jerry Deal for this information or is it something that you are able to obtain?

Thank you for your assistance in this matter.

Sincerely,

Kimberly Brown
Sr. Water Resource Agent

5/23/2006

GEM COUNTY

R 3 W

R 2 W

9 W

116° 45'

15F

16F

17E

18E

19E

20E

21E

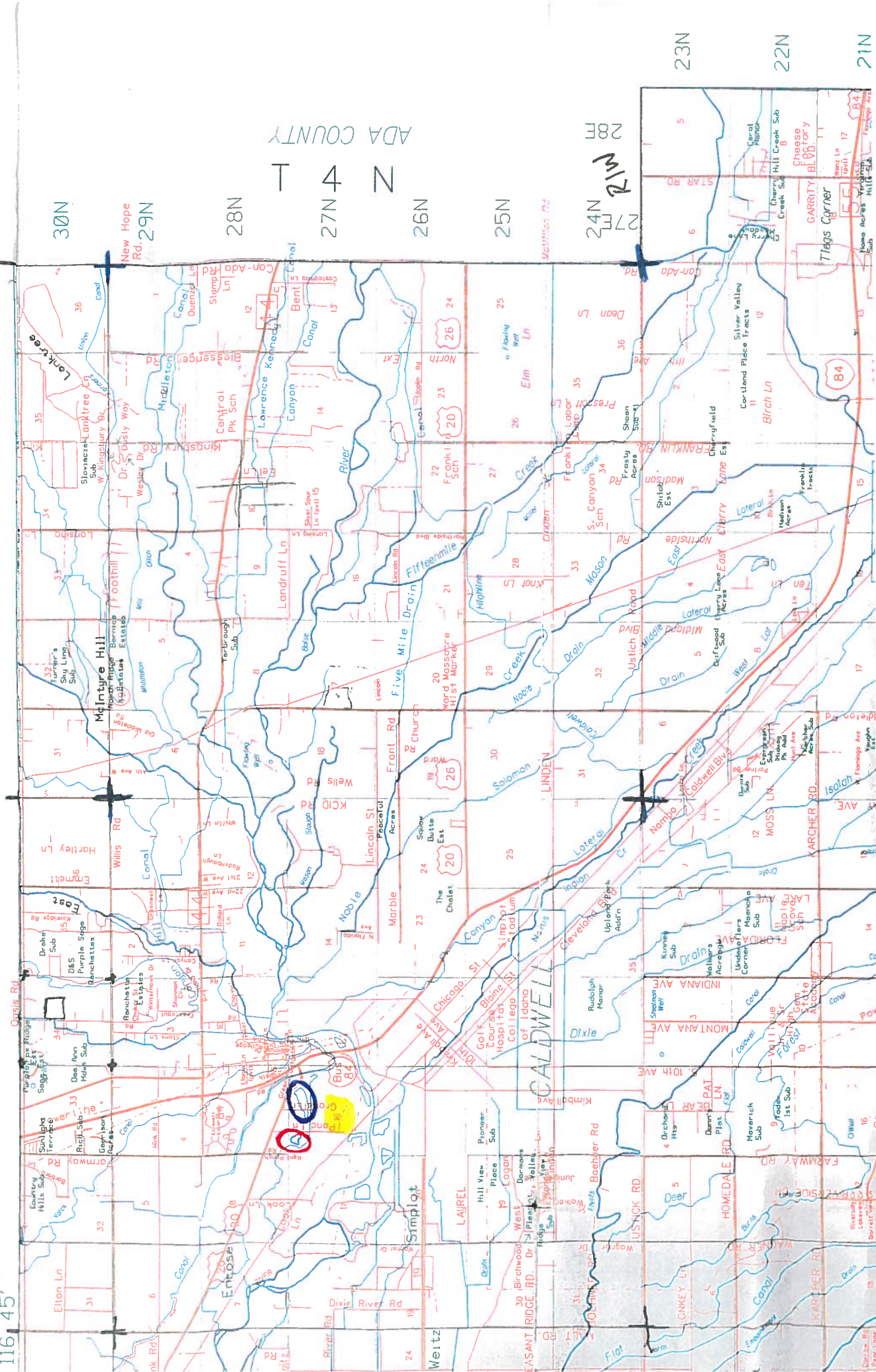
22E

23E

24E

25E

26E



ADA COUNTY

T 4 N

27N

28E

24N

27W

23N

22N

21N

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4926

03/20/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
138E	Claim	04N	03W	16	NW	NW		IRRIGATION	40/964	CANYON DITCH CO
-252	Claim	04N	03W	16	NW	NW		IRRIGATION	40/964	CANYON DITCH CO
-369	Claim	04N	03W	16	NW	NW		IRRIGATION	40/964	CANYON DITCH CO
~~4926~~	~~Claim~~	~~04N~~	~~03W~~	~~16~~	~~NW~~	~~NW~~		~~FISH PROPAGATION STORAGE~~		~~STATE OF IDAHO~~
~~4926~~	~~Water Right~~	~~04N~~	~~03W~~	~~16~~	~~NW~~	~~NW~~		~~FISH PROPAGATION STORAGE~~		~~STATE OF IDAHO~~

No overlap

Receipt Details for ID T017346

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/19/1990 4:19:46 PM	6/19/1990	Electronically Transmitt	\$17,466.30	Electronically Transr
Payer		DEPT. OF FISH AND GAME		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
Card Expiration Date	Credit Card Transaction #		

Comment FISH & GAME ADJUDICATION CLAIMS

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$17,466.30	FISH & GAME ADJUDICATION CLAIMS	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
79	2073		\$70.00	Claim
81	2020		\$2,050.00	Claim
83	2015		\$300.00	Claim
83	2023		\$62.66	Claim
35	7725		\$55.53	Claim
77	4181		\$117.00	Claim
86	2029		\$110.00	Claim
86	2038		\$59.34	Claim

51	4047	\$61.42	Claim
2	7004	\$1,297.00	Claim
63	2635	\$90.00	Claim
63	2850	\$75.70	Claim
63	4638	\$404.00	Claim
63	4639	\$60.00	Claim
63	4640	\$206.00	Claim
63	4717	\$188.00	Claim
63	4926	\$60.72	Claim
63	4927	\$50.14	Claim
63	9218	\$826.00	Claim
65	12126	\$250.00	Claim
67	4450	\$50.17	Claim
51	7299	\$25.00	Claim
36	4227	\$25.00	Claim
63	4338	\$465.11	Claim
36	7836	\$80.00	Claim
36	7855	\$250.00	Claim
37	2782	\$55.19	Claim
35	8654	\$150.00	Claim
63	4679	\$91.51	Claim
77	4180	\$150.00	Claim
77	4179	\$132.00	Claim
75	4154	\$54.00	Claim
27	4012	\$53.60	Claim
75	2138	\$25.00	Claim
35	4254	\$218.26	Claim
21	4007	\$52.32	Claim
21	4008	\$51.07	Claim
21	7151	\$50.77	Claim
23	7004	\$300.00	Claim
35	4253	\$95.52	Claim
35	4255	\$196.26	Claim
35	4256	\$219.50	Claim
71	10174	\$58.00	Claim
71	10175	\$58.00	Claim
71	10176	\$58.00	Claim
71	10178	\$58.00	Claim

71	10180
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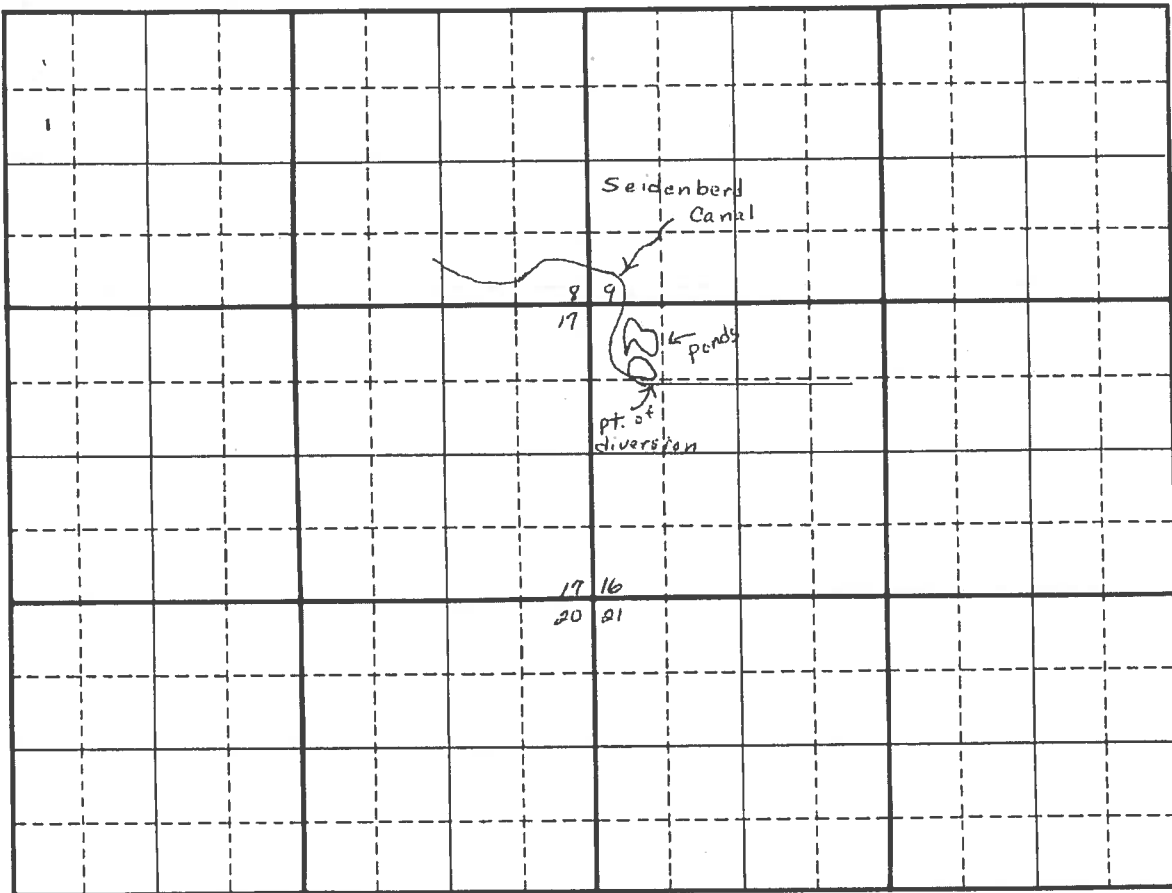
[illegible]

72	10527	\$58.00	Claim
72	10528	\$58.00	Claim
72	10529	\$58.00	Claim
72	10530	\$58.00	Claim
72	10531	\$58.00	Claim
72	10532	\$58.00	Claim

Print Report

(7) If you are claiming water as a member of an organization, list name of organization: Idaho Department of Fish and Game

(8) Remarks _____



Scale: 2 inches equal 1 mile.

T4N R3W

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of October, 19 82.

Nancy Bundlinger
Notary Public
Residing at Boise

My commission expires May 24, 1986

Received by Joe

Prelim. check by Joe

\$20.00 fee received by Joe

Published in Boise Tribune

Dates 11/28/82

10-26-82 FOR DEPARTMENT USE ONLY

Date 10-26-82

Date 10-28-82

Date 11/28/82

Exception filed by:

Forwarded to

claimant by:

Date

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.)
A63-4926)
_____)
_____)
State of Idaho)
County of Canyon)

RECEIVED AFFIDAVIT

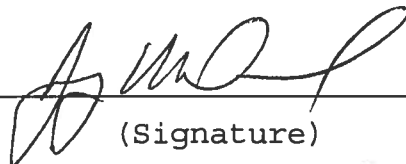
APR 19 2006

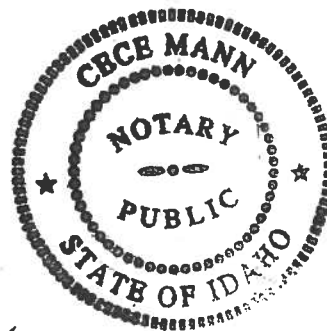
WATER RESOURCES
WESTERN REGION

Jerry W. Deal

Deposes and says:

This affidavit is submitted in response to State of Idaho Department of Water Resources letter to State of Idaho Department of Fish and Game (IDFG) dated March 22, 2006, regarding Evidence of Priority for Snake River Basin Claim No. A63-4926. The subject claim is for 775.00 acre-feet of year-round fish propagation storage in Caldwell Ponds at T04N R03W Section 16 NW1/4 NW1/4 in Canyon County. Historical beneficial use of the water in Caldwell Ponds for fish propagation storage first occurred on July 7, 1927, according to records in the IDFG fish stocking database (report copy attached), and has continued since that time. IDFG acquired the associated property in fee title on August 15, 1951, with a warranty deed as recorded in instrument number 389688 in Canyon County. Fish stocking has continued and the ponds have been managed for public fishing opportunity since that date.


(Signature)



Cee Mann
State of Idaho
Notary Public

4/17/06

ID	County	ID	County	Date	Year	Water	Catno	Species	Number	Size	Pounds	Association	Hatchery	Comments
46740	14	14	7/7	1927		CALDWELL REARING PD						CALDWELL ROD & GUN CLUB	HAYSBUR	
48705	99		11/1	1932		CALDWELL REARING PD	BK	R1	5000	2.5		CALDWELL SPORTSMEN ASSN	EVERGREEN	ACTUAL
48893	99		9/3	1933		CALDWELL REARING PD	R1	R1	35000	1.5-3		CALDWELL ROD & GUN CLUB	EVERGREEN	
48818	99		9/3	1933		CALDWELL REARING PD	R1	R1	35000			CALDWELL ROD & GUN CLUB	EVERGREEN	
48267	99		3/24	1934		CALDWELL REARING PD	R1	R1	35000	3-5		CALDWELL ROD & GUN CLUB	TWIN FALLS	
49284	99		8/9	1934		CALDWELL REARING PD	CT	R1	40000	3-6		CALDWELL ROD & GUN CLUB	TWIN FALLS	
50242	99		5/23	1935		CALDWELL REARING PD	R1	R1	35000	3-6		CALDWELL ROD & GUN CLUB	TWIN FALLS	
49742	99		8/9	1935		CALDWELL REARING PD	R1	R1	35000			F W FINN	U S HAGERMAN	
34299	99		6/3	1938		CALDWELL REARING POND	R1	R1	35000					
451	14	14	4/3	1940		CALDWELL REARING POND	RB	R1	35000	2		CALDWELL ROD & GUN CLUB	EAGLE	
43297	14	14	11/13	1945		CALDWELL DREDGE POND	CR,PE,B1,BC	R1	300	2-10	100		EAGLE F-CONTROL	
3929	14	14	6/4	1948		CALDWELL REARING POND	R1	R1	26240	2-2.5	82		EAGLE	
3927	14	14	6/14	1948		CALDWELL GOLF COURSE DR	R1	R1	540	3-8	30		EAGLE	
3828	14	14	9/15	1948		CALDWELL GOLF COURSE DR	R1	R1	2800	1.5-2	4		EAGLE	
5062	14	14	6/1	1949		CALDWELL GOLF LINKS DR	R1	R1	916	5-7	41.6		EAGLE	
6662	14	14	5/24	1950		CALDWELL GOLD COURSE DR	R1	R1	1050	7	150		EAGLE	
6663	14	14	7/1	1950		CALDWELL PARK POND	R1	R1	20580	4-5	343		EAGLE	
8302	14	14	5/17	1951		CALDWELL GOLF COURSE DR	R1	R1	2436	7	203		EAGLE	
8303	14	14	5/23	1951		CALDWELL GOLF COURSE DR	R1	R1	1200	6-7	153		EAGLE	
38032	14	14	4/30	1952		CALDWELL GOLF COURSE DR	R1	R1	1989	7-8	181		EAGLE	
15410	14	14	5/5	1953		CALDWELL GOLF COURSE DR	WB5-11	R1	1267	8-14	120		EAGLE	
15412	14	14	5/15	1953		CALDWELL POND A	BC	R1	204	8-14	318		EAGLE	
15411	14	14	7/1	1953		CALDWELL GOLF COURSE DR	WB5-11	R1	3498	6-9	55		EAGLE	
20435	14	14	1/6	1953		CALDWELL PONDS (SMALL)	WB5-AO	CR	2475	5	4		EAGLE	
20436	14	14	1/6	1953		CALDWELL PONDS (SMALL)	WB5-AO	BG	30	4-5	206		EAGLE	
20434	14	14	1/6	1953		CALDWELL PONDS (SMALL)	WB5-AO	CA	1030	8-12	115		EAGLE	
20432	14	14	1/12	1953		CALDWELL PONDS (LARGE)	WB5-AO	PE	1390	8-10	35		EAGLE	
20430	14	14	1/12	1953		CALDWELL PONDS (LARGE)	WB5-AO	LB	35	11-12	78		EAGLE	
20431	14	14	1/12	1953		CALDWELL PONDS (LARGE)	WB5-AO	PE	4056	4	66		EAGLE	
20429	14	14	5/12	1954		CALDWELL GOLF COURSE DR	WB5-11	R1	1386	2-5	231		EAGLE	
18737	14	14	5/12	1955		CALDWELL GOLF COURSE DR	WB5-11	R1	1250	7-10	250		EAGLE	
16987	14	14	1/8	1956		CALDWELL POND (SOUTH)	WB5-O	CR	8280	2-8	276		EAGLE	
27434	14	14	1/9	1956		CALDWELL POND (BIG)	WB5-O	PE	3600	7-10	600		EAGLE	
27435	14	14	5/28	1964		CALDWELL POND	WB5-81	R1	4800	7-11	1200		EAGLE	
27436	14	14	6/17	1964		CALDWELL POND	WB5-81	BN	2800	3	13		EAGLE	
41531	14	14	6/23	1964		CALDWELL POND	WB5-81	R1	4620	7-11	1100		EAGLE	
41532	14	14	1/21	1965		CALDWELL POND	WB5-81	R1	300	12-16	600		EAGLE	
41533	14	14	3/16	1965		CALDWELL POND	WB5-81	R1	1000	6-8	250		EAGLE	
41534	14	14	4/19	1965		CALDWELL POND	WB5-81	R1	6000	6-8	1500		EAGLE	
29422	14	14	3/17	1966		CALDWELL POND	WB5-81	R1	4500	10+	1800		EAGLE	
29423	14	14	4/26	1966		CALDWELL POND	WB5-81	R1	4320	10	8		EAGLE	
29424	14	14	4/26	1966		CALDWELL POND	WB5-81	R1	2160	3	1500		EAGLE	
31569	14	14	6/14	1967		CALDWELL POND	WB5-81	R1	1350	7	500		EAGLE	
31560	14	14	3/17	1967		CALDWELL POND	WB5-A1	R1	4800	6-8	1200 0.8		EAGLE	
31561	14	14	4/28	1967		CALDWELL POND	WB5-A1	R1	6000	9	1500 0.8		EAGLE	
31561	14	14	5/31	1967		CALDWELL POND	WB5-A1	R1	5700	10	1500 0.8		HAGERMAN	

2 1/2 inches

Rec'd 4-19-06

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4926

WATER RIGHT NUMBER: 63-4926

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700

Priority Date: 08/15/1951
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
PONDS	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION STORAGE	1/01	to 12/31		775.00 AF
<u>Total Diversion:</u>				775.00 AF

<u>Location of Point(s) of Diversion</u>		
PONDS	NW1/4NW1/4	Sec. 16, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use
FISH PROPAGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	16						X											

Conditions of Approval:

Remarks:

Comments:

Rec'd 4-19-06



IDAHO DEPARTMENT OF FISH & GAME
SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686



Idaho Department of Water Resources
Attn: Kimberly Braun
2735 Airport Way
Boise, ID 83705-5082

83705+5082-33 0008





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 22, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4926

(+) sent a 1987
aerial requesting
indication of the
ponds and the
point of diversion
location

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by April 19, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

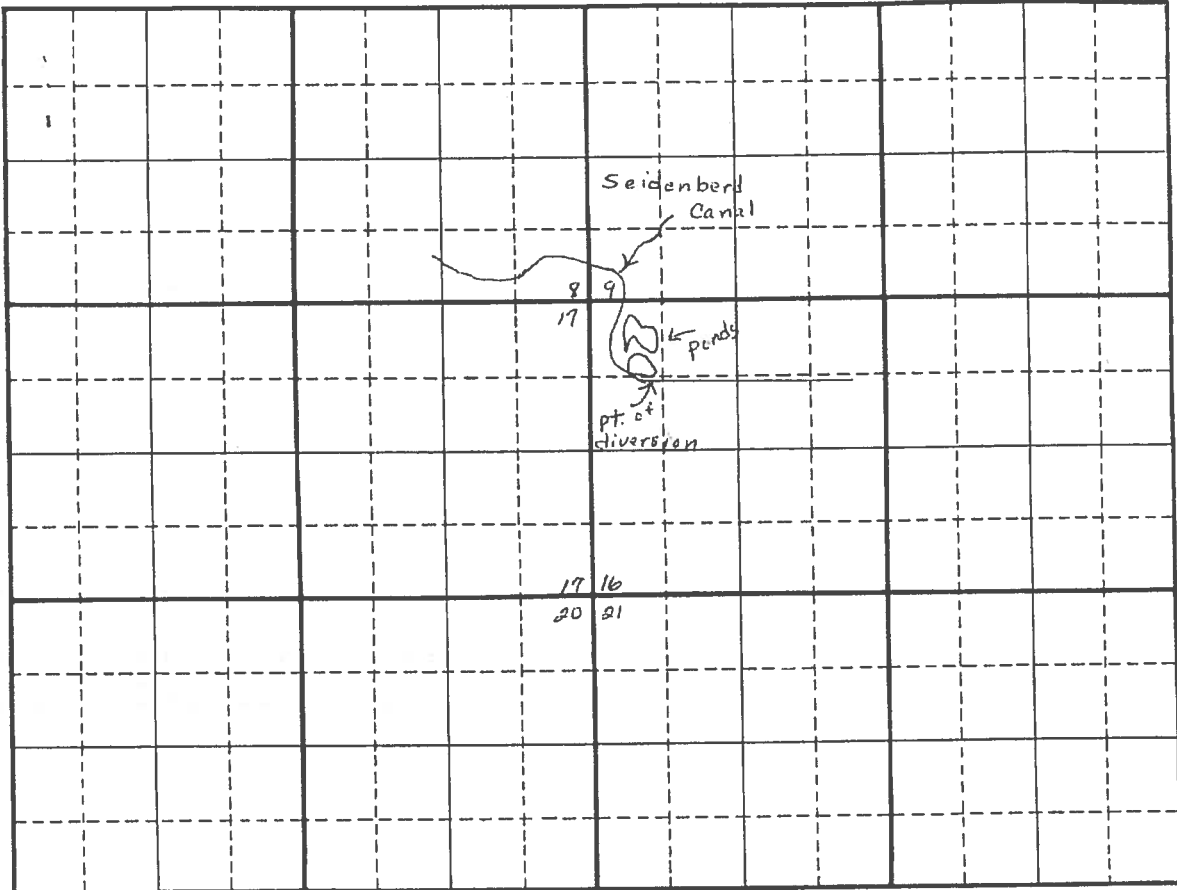
KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4926

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Reservoir, abandoned gravel pit.

(8) Remarks



Scale: 2 inches equal 1 mile.

T4N R3W

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of

Jay M. Conley
(Claimant)
October 1, 1982.
Nancy Bundlinger
Notary Public
Residing at Boise

My commission expires May 24, 1986

10-26-82 FOR DEPARTMENT USE ONLY
Received by [Signature] Date 10-26-82 Exception filed by: [Signature]
Prelim. check by [Signature] Date 10-28-82
\$20.00 fee received by [Signature] Date 11-2-82 24108
Published in [Signature]
Date [Signature]

Forwarded to
claimant by: [Signature] Date