

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 78-12305
Date Received: 12/7/2006
Receipt No: C082735
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DANIEL OLSON Phone: (208) 347-2436
PO BOX 305
NEW MEADOWS ID USA 83654

LISA A OLSON Phone: (208) 347-2436
PO BOX 305
NEW MEADOWS ID USA 83654

2. Date of Priority: 05/01/1895

3. Source: MARTIN CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
20N	02E	31	NW NE SE	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.15	
STOCKWATER	01/01	12/31	0.15	

7. Total Quantity Appropriated is:
0.15 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	02E	31	NW	SE	IRRIGATION	9
Section Acres						9
Total Acres						9

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

1/4 of this right has been claimed by Daniel and Lisa Olson

This right is renumbered from former right 78-270 .

This right was renumbered to right 78-12305 .

15. Basis of Claim: Decreed

16. Signature(s)

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

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: 78-12305
39576
Ident. Number ~~78-270~~
Date Received 11.30.06
Receipt Number CO 82735

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Daniel R. or Lisa Olson Phone (208) 347-2436
Mailing Address P.O.B. 305 4040 Campbell Rd. New Meadows, ID. Zip 83654

2. Date of Priority (Only one (1) per claim) 78-0270 May 1st 1895

3. Source of water supply (a) Martin Creek
which is tributary to (b) Little Salmon River

4. a. Location of existing point of diversion is: Township 20N Range 2E Section 31,
NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Adams

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 20N Range 2E Section 31, NW 1/4 of NW 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of Adams

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.

Old ditches that have been in existence since James &
Sadie Anderson owned the property.
Water Right # 78-0270 decreed in 1933.

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1 2008

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation/stock water purposes from 1-1 to 12-31 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1/4 of 30 miners inches (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.) _____

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	
20N	2E	31																	

Total number of acres irrigated approx. 9 acres

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

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 Right#78-12213 on the south side of Martin creek, also owned by James & Sadie Anderson in 1895. For irrigation/stock water. or None ()

14. Remarks:

We are filing for 1/4 of the water rights #78-0270 to be able to use the old existing ditches on the north side of Martin creek on our property.

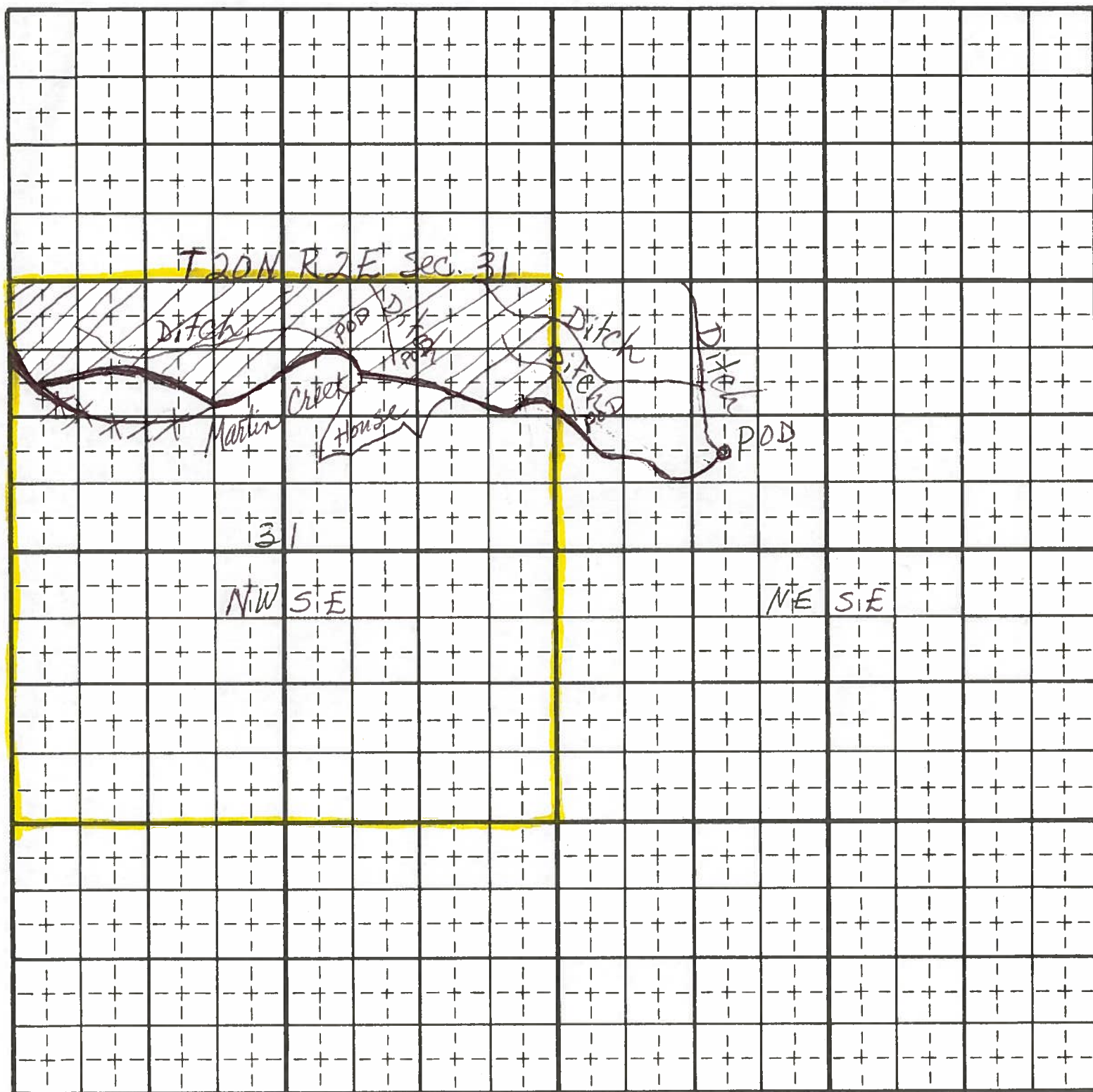
Please see the copy of the letter sent to us by Carter Frißchle concerning this.

If you have any questions, please call us at (208)-347-2436.

Thank you! Daniel R. & Lisa Olson

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

Scale: 2 inches equals 1 mile



Last Name _____

Ident No. _____

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DEC - 4 2006

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 1/4 of water right #78-0270

Court _____ Case Number _____ Decree Date 10/11/1933

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) Lisa Olson Date 11/28/06

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 _____)

County of Adams)

SS.

Subscribed and sworn (or affirmed) before me this 29 day of Nov 19 2006

Notary Public Janet S. Meier

Residing at Church

My Commission Expires 8/21/12

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 _____

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Copies White-State, Yellow-Claimant

NFC - 4 2006

12/13/2006

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

RIGHT NUMBER: 78-12305

NAME AND ADDRESS: DANIEL R OLSON
PO BOX 305
NEW MEADOWS ID 83654

LISA A OLSON
PO BOX 305
NEW MEADOWS ID 83654

SOURCE: MARTIN CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.045 CFS

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

PRIORITY DATE: 05/01/1895

POINT OF DIVERSION:

T20N R02E S31 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.045 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T20N R02E S31 NWSE 6.00

STOCKWATER in ADAMS County

T20N R02E S31 NWSE

6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 38 acres in a single irrigation season. Combined Right Nos.: 78-12213, 78-12250, 78-12251, 78-12304 & 78-12305

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 - Decreed

Stockwater use is for 90 range cattle.

This right is a split from former right 78-270.



Idaho Department of Water Resources

SRBA Recommendation:

78-12305

(Irrigation)

Legend

Point of Diversion



Place of Use



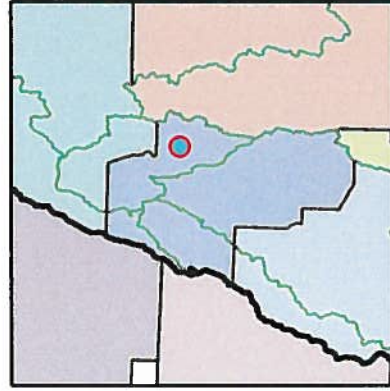
Townships



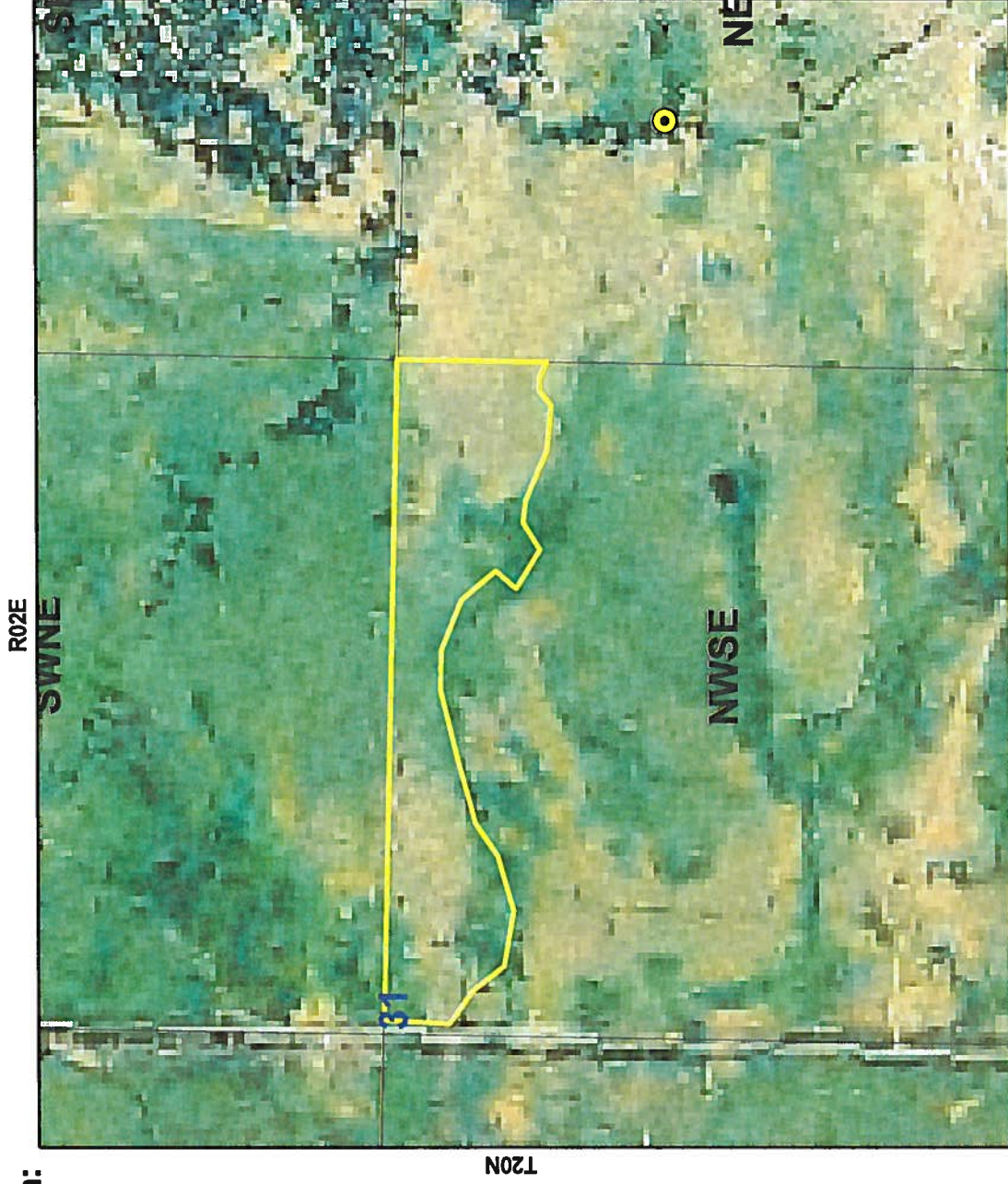
PLS Sections



Quarter Quarters



Adams County
IDWR Basin 78



0 0.1 0.2 Miles



Prepared by K. Walker
On Wednesday, December 13, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-12305

WATER RIGHT NUMBER: 78-12305

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES ANDERSON
	, ZZ
Original Owner	SADIE ANDERSON
	, ZZ
Current Owner	DANIEL OLSON PO BOX 305 NEW MEADOWS, ID 83654 (208)347-2436
Current Owner	LISA A OLSON PO BOX 305 NEW MEADOWS, ID 83654 (208) 347-2436

Priority Date: 05/01/1895

Basis: Decreed

Status: Active

Source

MARTIN CREEK

Tributary

LITTLE SALMON RIVER

Beneficial Use

IRRIGATION

STOCKWATER

From To

01/01 to 12/31

01/01 to 12/31

Diversion Rate

0.150 CFS

0.150 CFS

Total Diversion:

0.150 CFS

Annual VolumeLocation of Point(s) of Diversion

MARTIN CREEK

NW1/4NE1/4SE1/4

Sec. 31, Twp 20N, Rge 02E, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
20N	02E	31					9.0

STOCKWATER same as IRRIGATIONConditions of Approval:

1. 1/4 of this right has been claimed by Daniel and Lisa Olson
2. This right is ~~renumbered from~~ former right 78-270.

For a portion of

5/90 hd per phone con w/Lisa 12/13

$$(6ac \times 0.02 = 0.12 cfw) - \frac{0.075}{0.045 \text{ needs}}$$

per original claim

per standard season for this area

0.045
0.02
0.045

6 per GIS shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-12305

3. This right was renumbered to right 78-12305 .

Remarks:

Comments:

1. Renumber 12/7/2006 4:33:04 PM Renumber WR 78-12305
Comment: This has been renumbered from 78-270

Dates and Other Information:

Claim Received Date: 12/7/2006
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

78-12213

* Using Map to Show area for Water Right # 78-0270.



T20N R02E S31

Map prepared by: Carter Fritschle
Date prepared: 11/07/05
2004 NAIP Photography
Idaho Department of Water Resources

* please see #14,
Remarks for
additional information.
Thank You!
Lisa Olson

S

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Old Map

Showing James

Anderson property.

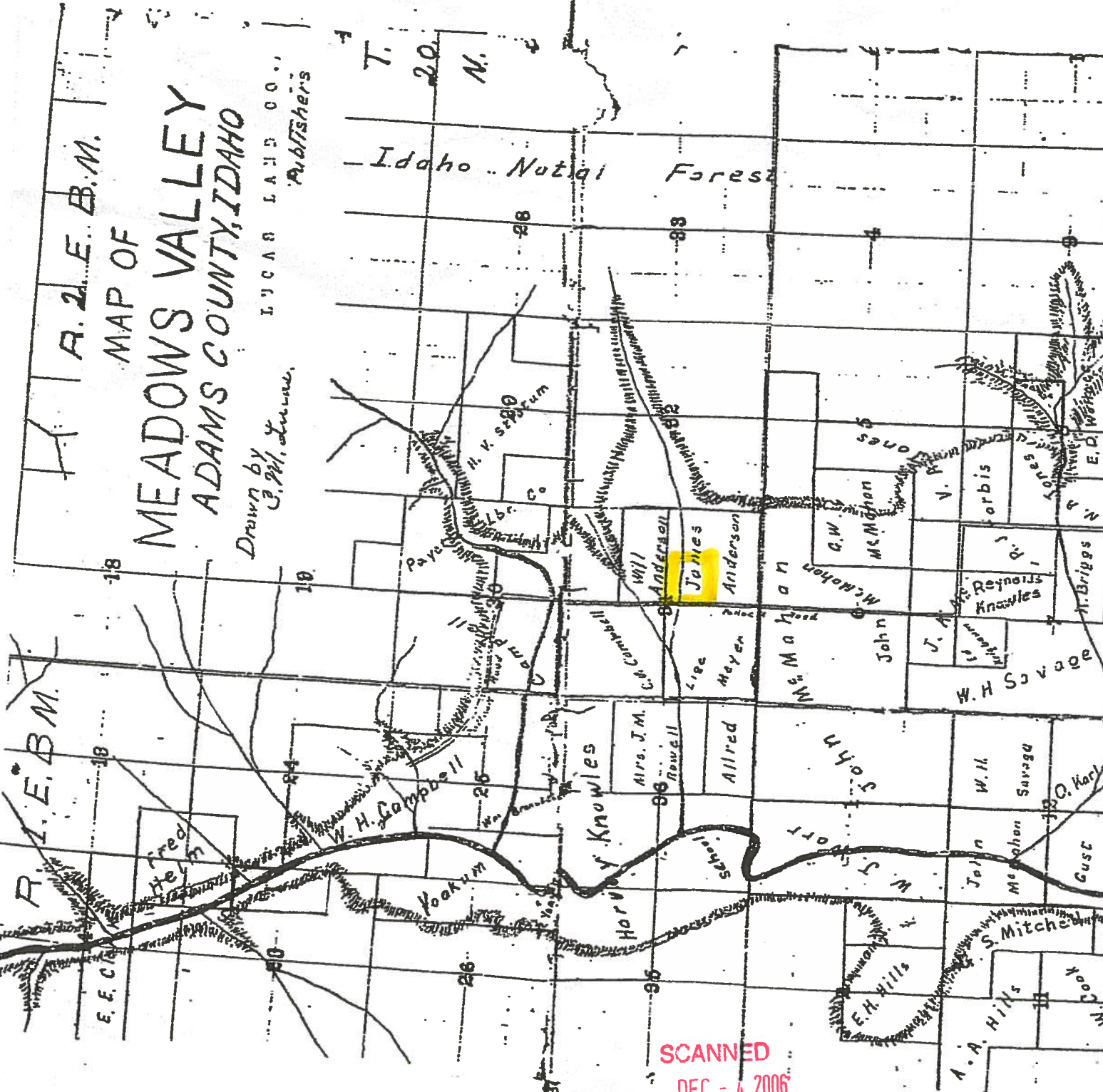
CA. 1900 (approx.)

Yellow
Square

Shows our

40 acre

parcel.



Copy

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

CIRCLE C RANCH, a corporation.

Plaintiff.

-vs-

JAMES ANDERSON and SADIE ANDERSON,
his wife.

Defendants.

RECEIVED

OCT 25 1979

Department of Water Resources
Western Regional Office

D E C R E E

The above entitled action came on regularly for trial in open Court at Council, Idaho, the 26th day of June, 1935, George Donart appearing as attorney for the plaintiff, and Harry S. Kessler and R. M. McCracken, appearing as attorneys for the defendants.

Witnesses were sworn and examined in behalf of the respective parties, and documentary evidence introduced, and the evidence being closed, the cause is submitted to the Court for consideration and decision.;

The Court, being fully advised as to the law and the premises, made and entered its Findings of Fact, Conclusions of Law and ordered that Decree be entered accordingly;

NOW, THEREFORE, by virtue of the law and the premises and the Findings of Fact and Conclusions of Law aforesaid, it is hereby ORDERED ADJUDGED and DECREED that the plaintiff and the defendants are entitled to the use of the waters of Martin Creek, one of the public streams of the state of Idaho, for irrigation of their respective lands hereinafter described, in the following amounts and with the following dates of priority:

That the plaintiff is hereby decreed and awarded the right to use, for irrigation purposes, during the entire irrigation season of each and every year, upon the following described lands and premises, situate in the county of Adams, state of Idaho, to-wit:

The Southwest quarter of Section 31, Township 20 North, Range 2 East of Boise Meridian.
waters of Martin Creek in the amount of 90 miners inches, with the following dates of priority:

78-0267

May 1st, 1889, 15 miners inches

78-0268

May 1st, 1895, 75 miners inches.

the use of which water is hereby adjudged to be appurtenant to the above described lands;

That the defendants are hereby decreed and awarded the right to use, for irrigation purposes, during the entire irrigation season of each and every year, upon the following described lands and premises, situate in the county of Adams, state of Idaho, to-wit:

The Southeast quarter of Section 31, Township 20 North, Range 2 East of Boise Meridian.
waters of Martin Creek in the amount of 45 miners inches, with the following dates of priority:

78-0269

May 1st, 1892, 15 miners inches

78-0270

May 1st, 1895, 30 miners inches

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the use of which water is hereby adjudged to be appurtenant to the above described lands:

And it is further ORDERED; ADJUDGED and DECREED that when any portion of said water decreed to either of the parties is not needed for the irrigation of the particular lands to which it is hereby made appurtenant, said water shall be allowed to flow down Martin Creek for use by the other party to said action.

And it is further ORDERED; ADJUDGED and DECREED that the distribution of the said waters of Martin Creek between the plaintiff and the defendant shall hereafter be under the jurisdiction of the water master of the water district in which said lands are situate, which said water master shall be entitled to take charge of the distribution of said water upon the application of either of the parties to this action or their successors in interest in the lands and premises hereinbefore described;

And it is further ORDERED. ADJUDGED and DECREED as follows:

That during that portion of the irrigation season of each and every year hereafter, when the waters of Martin Creek equal the amount of 135 miners inches, the plaintiff shall be entitled to use, upon his said lands, 90 miners inches of said water, and the defendants shall be entitled to use upon their lands, 45 miners inches thereof, and that whenever the flow of Martin Creek shall, during any part of the irrigation season, be less than 135 miners inches and more than 30 miners inches, the plaintiff shall be entitled to divert from Martin Creek, for use upon his lands, 15 miners inches of said waters, and the defendants shall be entitled to divert from Martin Creek for use upon their lands, 15 miners inches of said waters, and of the residue thereof, the plaintiffs shall be entitled to divert, for use upon its lands, $\frac{5}{7}$ thereof, and the defendants shall be entitled to divert for use upon their lands, $\frac{2}{7}$ of said residue;

That at any time when the waters of Martin Creek shall, during any irrigation season or portion thereof, be less than the amount of 30 miners inches, the plaintiff shall be entitled to divert for use upon his lands 15 miners inches, and the defendants shall be entitled to divert for use upon their lands the residue thereof.

That at any time during any irrigation season or portion of any irrigation season when the waters of Martin Creek shall not exceed 15 miners inches, the plaintiff shall be entitled to divert all of said waters for use upon its said lands when needed for irrigation thereof;

And it is further ORDERED, ADJUDGED and DECREED that the plaintiff be and it is hereby entitled, authorized and permitted to change the place of diversion of its waters from Martin Creek from the point where the same are now diverted, to a point approximately 100 yards east of said present point of diversion, being the place where its canal by it constructed for the purpose of carrying water from Goose Creek or Goose Lake Reserve crosses

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Martin Creek. and hereafter divert its said water from Martin Creek, by use of said Goose Lake or Goose Creek Canal instead of the ditch at present used by the plaintiff.

And it is further ORDERED: ADJUDGED and DECREED, that any water coming into Martin Creek from the reservoir now constructed or to be hereafter constructed by the defendants shall not be subject to use or appropriation by the plaintiff and that the defendants be and they are hereby adjudged to have the sole and exclusive right to divert from Martin Creek, for use upon their aforesaid lands, any waters by them diverted into Martin Creek from any such reservoir by the defendants so constructed or hereafter to be constructed.

Decree rendered this 11th day of October, 1935.

A. O. Sutton

District Judge.

Filed 10-13-35.

Matilda Moser, Clerk

State of Idaho }
County of Adams } ss

I, the undersigned Recorder and Clerk of the District Court of Adams County, State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office and in my custody. IN WITNESS WHEREOF, I have set my hand and affixed my official seal on this 24th day of October, 1935.

Matilda Moser
Clerk of the District Court
and County Recorder
Lawrence Brown
Deputy

JUL 31 1936

SCANNED

DEC - 1 1936



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

Copy

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 8, 2005

DANIEL R OLSON
LISA OLSON
PO BOX 305
NEW MEADOWS ID 83654

Re: Unclaimed Decreed Water Rights

Dear Mr. and Mrs. Olson:

Thank you for promptly returning the completed forms for the Snake River Basin Adjudication (SRBA) Notices of Claim to a Water Right 78-12550 and 78-12251, and for marking the locations of the springs and irrigated acres on the map.

You mentioned that you have discovered old ditches on the north side of Martin Creek. All of the information that we have on the historic use of water right 78-4129 indicates it was used only on the south side of Martin Creek. (Claim no. 78-12213 is your portion of water right 78-4129.) However, we do have on record two water rights (78-0269 and 78-0270) that were decreed to the Southeast ¼ of Section 31 that have not been claimed in the SRBA. Since you purchased one-fourth of the Southeast ¼ of Section 31, you may be entitled to one-fourth of the water decreed to that parcel of land in the Circle C Ranch v. James and Sadie Anderson Decree. This may be the water that was historically used on the north side of Martin Creek, as evidenced by the old ditches you have discovered, or even used in combination with water right 78-4129 on both sides of Martin Creek. I have enclosed a copy of the decree and two blank claim forms you may use if you wish to file claims on the portions of these two rights that are appurtenant to your land. The filing fee is \$50.00 per claim and \$1.00 for each additional acre claimed.

If you have questions not covered by this letter or the enclosed pamphlet, please contact at (208) 287-4917 or send an email to Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures:

Copy of Circle C Ranch v. James and Sadie Anderson Decree
Notice of Claim forms with instructions

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