

11/01/2005

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

RIGHT NUMBER: 78-4102B

NAME AND ADDRESS: JANE M UPDEGROVE
PO BOX 1268
RIGGINS ID 83549

JAMES A UPDEGROVE
PO BOX 1268
RIGGINS ID 83549

SOURCE: SQUAW CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1896

POINT OF DIVERSION:

T24N R01E S17 SWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/01 11/15	0.020 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T24N R01E S17 SWNE

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

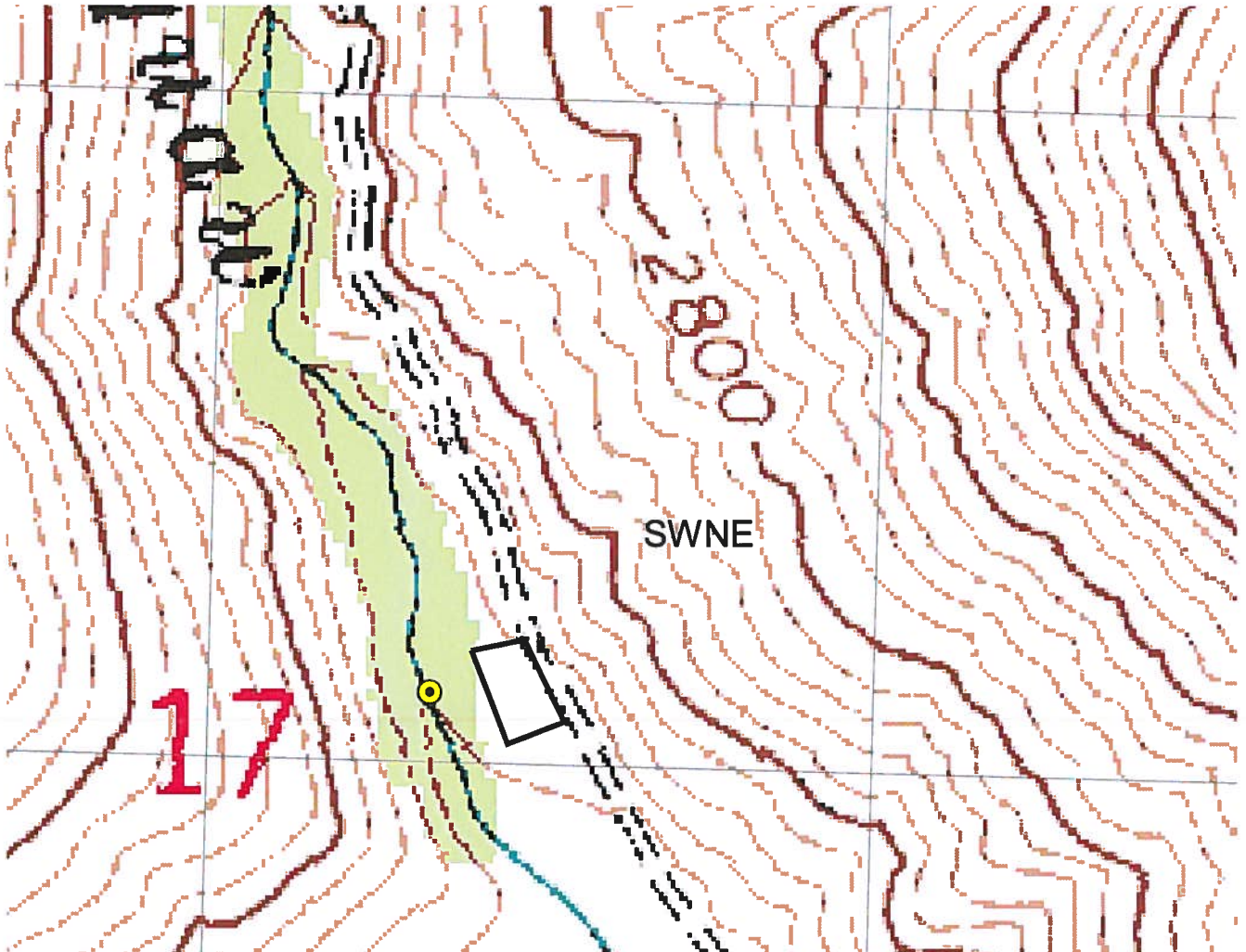
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

PARCEL NO. 24N01E171510

78-4102B



0 300 600 Feet

Section 17
T24N R1E



● Point of Diversion

□ Place of Use

Map prepared on November 1, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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: A78-04102B
Date Received: 9/23/1988
Receipt No: W000916
Received By: *lw*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES A. UPDEGROVE 208-628-3988
Address: PO BOX 1268
RIGGINS, ID 83549
AND/OR
Name: JANE M. UPDEGROVE 208-628-3988
Address: PO BOX 1268
RIGGINS, ID 83549
2. Date of Priority: JAN 01, 1896
3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 24N | 01E | 17 | SW | NE | | | IDAHO |
5. Description of diverting works:
DITCH TO PUMP FROM DITCH
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 03/15 | 10/31 | 0.020 | | |
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
IRRIGATION OF 1/2 ACRE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	01E	17	SW NE		DOMEST	

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:
A78-04102A

14. Remarks:

THIS RIGHT, WHEN COMBINED WITH A78-04102B, SHALL DIVERT NO MORE THAN 0.52 CFS.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: 784102

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16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number

A78-04102 B

Date Received

7-22-88

Receipt Number

RECEIVED
JUL 25 1988

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 22 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) James A. and/or Jane M. Updegrave Phone (208) 628-3988Mailing Address P.O. Box 1268 Riggs, ID Zip 835492. Date of Priority (Only one (1) per claim) 1/1/18963. Source of water supply (a) Squaw Creek
which is tributary to (b) Little Salmon River4. a. Location of existing point of diversion is: Township 24N Range 1E Section 17,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ 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 _____

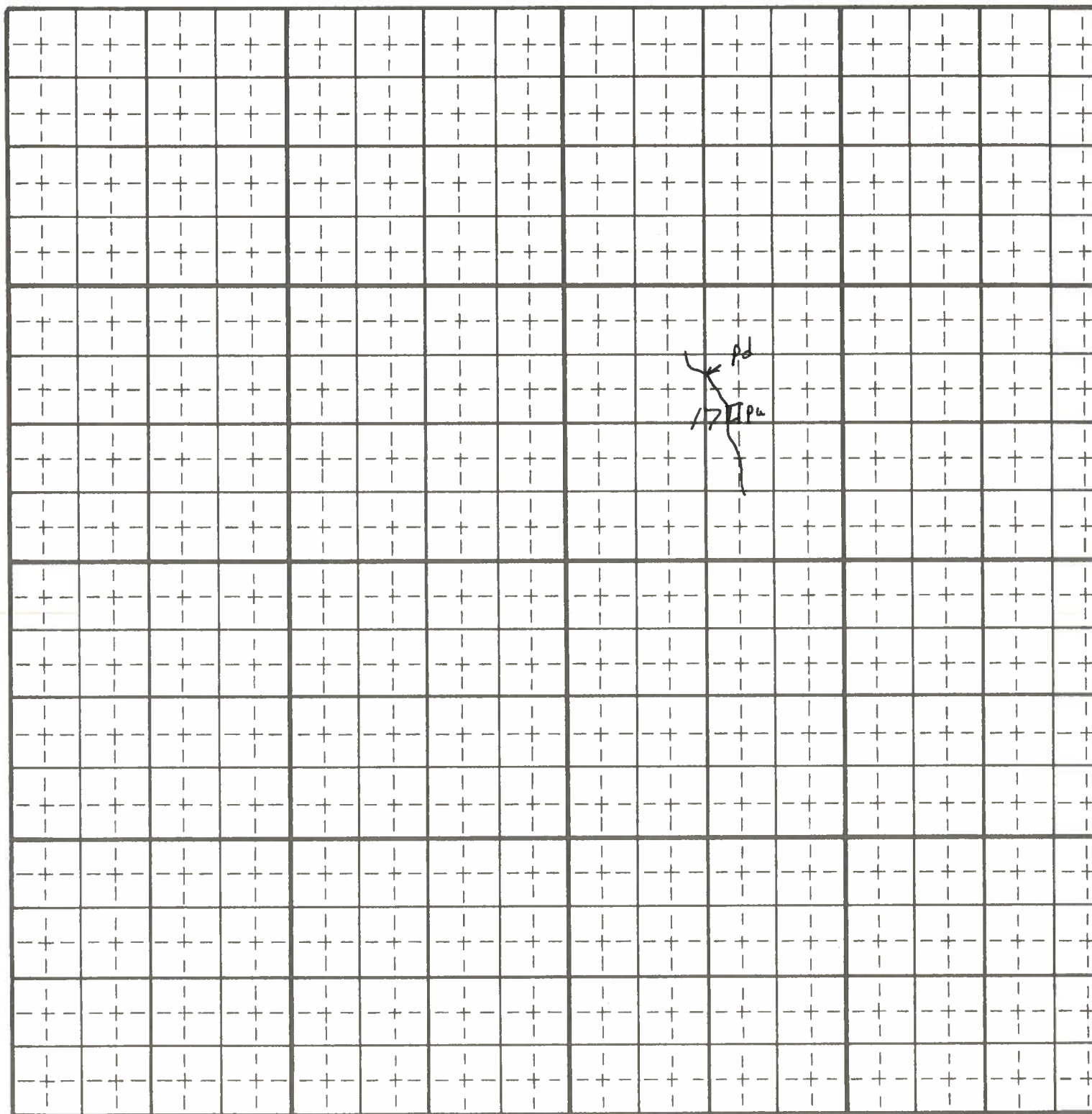
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Ditch to pump from
ditch

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

Scale: 2 inches equals 1 mile



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Last Name Updegrave

Ident No. A 78-04102

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 10/31 amount 0.02 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
24N	1E	17			0.5														0.5

Total number of acres irrigated 0.5

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 X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

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Last Name Updegrave Ident No. 478-04102

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-4102
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) Jane M. Updegrove Date July 21, 1988

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 Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 21 day of July 19 88

SEAL

Notary Public Oliver Harris

Residing at Riggins

My Commission Expires 10-10-88

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 _____

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Last Name Updegrove Ident. Number A78-04102

Copies White-State, Yellow-Claimant

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments.		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
4. Is the legal description of the p.d. complete?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.	☐	☒
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. Is the consumptive use correct?	☒	☐
If required is a consumptive use entered?	☐	☐
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, each household must file a separate claim.	☒	☐
10. Is (are) the place(s) of use entered?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" checked?	☒	☐
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.)	☒	☐
15. Is the basis of the claim checked?	☒	☐
16. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐
Should this claim be receipted and data entered?	☒	☐

Claim checked by: mw

Comments: Envelope postmarked 9-1-88 No late fee required

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DATE: 02/21/99
PAGE: 1

DIVERSION RATE

03-15 10-31	0.02 CFS

TOTAL DIVERSION:	0.02 CFS

Stage: BENEFICIAL USE

IDAHO County

[illegible]

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Audit:	04/17/98	SSHERMAN	04/21/98	SSHERMAN	11/10/98	CWALKER	11/30/98	LHARRIS
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OWNER CODE NAME & ADDRESS C B. EDWARD ROBERTS C WILMA C. ROBERTS P.O. BOX 119 RIGGINS ID 83549 PRIORITY DATE 01/01/1896 IRRIGATION USE PERIOD FROM 03/15 TO 11/30 DIVERSION RATE 1.000 CFS DIVERSION VOLUME 1.000 CFS TOTAL DIVERSION: 1.000 CFS

Water Source: SQUAW CREEK Tributary to: LITTLE SALMON RIVER Stage: STATUTORY CLAIM Point(s) of Diversion: T24N R01E S17 SWNE IDAHO County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE	
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---
T	R	S	:	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---
24N	01E	17	:	---	---	---	---
			05			04	TOTAL ACRES
			:			:	9.0
			:			:	9.0

Pou County: IDAHO Dates: App. Received: 01/01/1896 Proof Due Date: Exam Made Date: Exam Sent to S.O.: Priority Date: 01/01/1896 Proof Made Date: Exam Sent to S.O.: Misc: Water District Number: Field Exam Fee:

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-13-1998
PAGE: A-44

RIGHT NUMBER: 78-04102B

NAME & ADDRESS: JAMES A UPDEGROVE
JANE M UPDEGROVE ✓
PO BOX 1268
RIGGINS ID 83549

SOURCE: SQUAW CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 01/01/1896

POINT OF DIVERSION: T24N R01E S17

SWNE

Within IDAHO County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE ✓

DOMESTIC IRRIGATION OF 1/2 ACRE

0 km.

PERIOD OF USE

03-15 10-31

QUANTITY

0.02 CFS

PLACE OF USE:

DOMESTIC

T24N R01E S17 ✓

Within IDAHO County

SWNE ✓

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

THIS RIGHT, WHEN COMBINED WITH A78-04102B, SHALL DIVERT NO MORE
THAN 0.52 CFS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - STATUTORY CLAIM

RP 24N01E171510 = SWNE NE

no 03-16-98



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 4, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR HAROLD POLLARD
BOX 1287
RIGGINS ID 83549

RE: SQUAW CREEK WATER USE

Dear Mr. Pollard:

Last year you telephoned and wrote to this agency regarding concerns about use of water from Squaw Creek identified by right numbers A78-04102A (your filing) and A78-04102B (neighbor's filing). The department informed you that the issues presented in your call and letter were civil issues beyond the jurisdiction of this agency.

However, you were also informed that field staff would make an attempt to visit the site in question if staff were in the area on other business. The intention was to see if department staff could suggest practical solutions to the problems that you described.

No one from this regional office was able to visit with you during the last field season. This office will once again make an effort as time and conditions allow to see if some help might be offered if staff are in the area on other business. I must tell you though that I am not optimistic that staff will be able to do this given other tasks which must be completed as required by state law. Those required tasks frequently do not allow time left over for matters beyond the jurisdiction of the department but in which the department might be able to offer some assistance.

I hope you can find a satisfactory solution to the problems that you have described.

Sincerely,

Steve Lester
Water Rights Supervisor



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 26, 1988

A78-4102B

James A. and Jane M. Updegrove
P.O. Box 1268
Riggins, ID 83549

Dear Mr. & Mrs. Updegrove:

I am writing in regard to the Notice of Claim to a water right on your groundwater source with a priority date of May 10, 1988.

It is not necessary to file on groundwater sources used domestically with priority dates after November 19, 1987. Therefore, I will submit this for a refund in the amount of \$25.00.

Your other two claims have been processed as usual. I am enclosing a copy of each along with a receipt.

Thank you for your time and consideration.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

LW:lh
Enclosures

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CONVERSATION MEMORANDUM

DATE 9-15-88

FILE A78-04102B

NAME OF PARTY James U. Poligrove

EMPLOYEE L. Warner

A78-10361

RE: Does not want to file on groundwater
source; priority 1988 (May)

Has bought a parcel of land from
Pollard, A78-04102. - Split the water
right

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OCT 16 1992



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

CECIL D. ANDRUS
Governor

August 29, 1988

R. KEITH HIGGINSON
Director

James A. and Jane M. Updegrove
P.O. Box 1268
Riggins, ID 83549

Dear Claimant(s):

This office has received the Notice of Claim(s) to a Water Right for the use of water within the Snake River Basin Water System. However, due to the items checked below, we cannot process this claim. We are returning your check #1283 in the amount of \$101.00 for the adjudication filing fee. Please complete the following items.

_____ No fee received. Fee Due _____.

_____ Item No. 2 - Date of priority -date water was first put to use.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - Must be shown by quarter-quarter(40 acre tract), section, township and range, except for spring sources which should be shown by quarter-quarter-quarter(10 acre tract), section, township and range. Lot and block for a subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim.

_____ Item No. 5 - Place of Use - must be listed by quarter-quarter(40 acre tract), section, township and range. Lot and block for a subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

_____ Item No. 10 - Place of Use -must be listed by quarter-quarter(40 acre tract), section, township, and range. Lot and block are not acceptable.

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PAGE 2

Item No. 16 - Signature -this claim form requires your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

Other: Overpayment. Irrigation of 1/2 acre or less included with domestic usage. Please remit new check for \$75.00 by 9-23-88 to avoid a late fee.

Please complete the above item(s) on the enclosed claim form(s) and return the claim(s) to our office prior to the deadline date for filing adjudication claims in your county. If you are returning a claim form which was received in our office, with the fee, by the deadline for your county, then as long as the corrected claim and fee are returned within 30 days of the date of this letter, no late fee will be charged. If your deadline is upcoming, please try to return the corrected claim by that date. The deadline date for your county is _____.

Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Linda Werner

Linda Werner
Sr. Water Resource Agent
Adjudication Section

LW:lh
Enclosures

Enclosed find new check for \$75.00
to cover water right claims before
9/23/88

Jane M. Lydegrove
9/1/88

MICROFILME
OCT 06 1992