

12/22/2005

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

RIGHT NUMBER: 77-2068B

NAME AND ADDRESS: JERRY BADLEY
1220 E 10TH N
MOUNTAIN HOME ID 83647

CLAYTON M BADLEY
1220 E 10TH N
MOUNTAIN HOME ID 83647

SOURCE: MANN CREEK
CARLSON CREEK
MILL CREEK

TRIBUTARY: SALMON RIVER
TRIBUTARY: SOUTH FORK SALMON RIVER
TRIBUTARY: SOUTH FORK SALMON RIVER

QUANTITY: 1.320 CFS

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

Right Nos. 77-2068A, 77-2068B and 77-10030 are limited to a total combined diversion rate of 1.32 cfs.

PRIORITY DATE: 09/13/1937

POINT OF DIVERSION:

T23N R07E S3 NWSW Within IDAHO County
T23N R08E S6 SWSW Within IDAHO County
T23N R08E S6 SESW Within IDAHO County
T23N R08E S7 SESW Within IDAHO County
T23N R08E S7 NWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.320 CFS
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within IDAHO County

T23N R08E S06	SESW	10.0	T23N R08E S06	SWSE	24.0
T23N R08E S07	NWSE	15.0	T23N R08E S07	SWSE	17.0

STOCKWATER Within IDAHO County

T23N R08E S06	NESW		T23N R08E S06	SESW	
T23N R08E S06	SWSE		T23N R08E S07	SESW	
T23N R08E S07	NWSE				

DOMESTIC Within IDAHO County

T23N R08E S06	SESW				
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66 ACRES TOTAL

Right Nos. 77-2068A, 77-2068B and 77-10030 are limited to the irrigation of a combined total of 66 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT: 1

12/22/2005

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

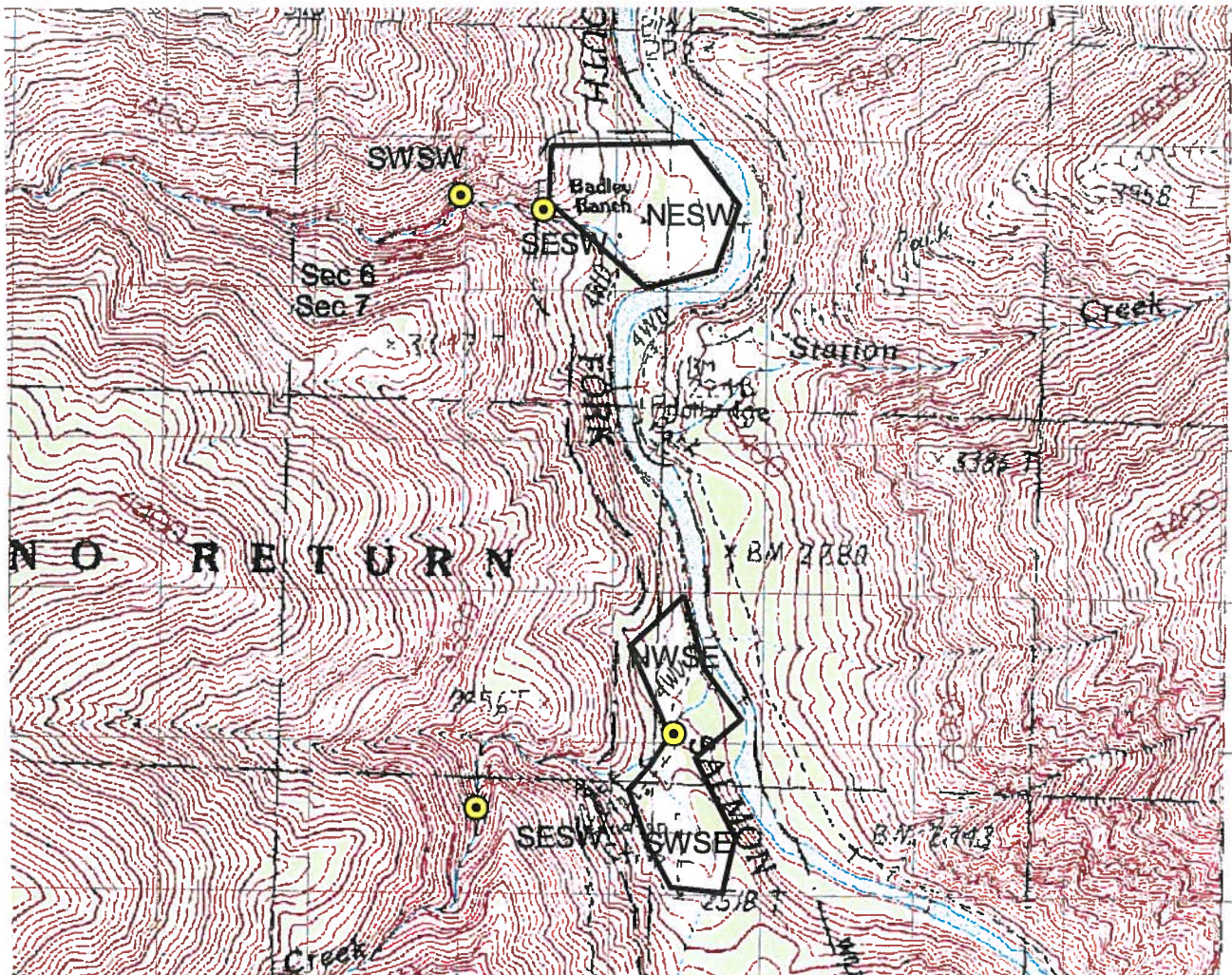
PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NO. 49 & 341.

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 - License

This right is renumbered from former right 77-2068 .

77-2068B



0 1000 2000 Feet



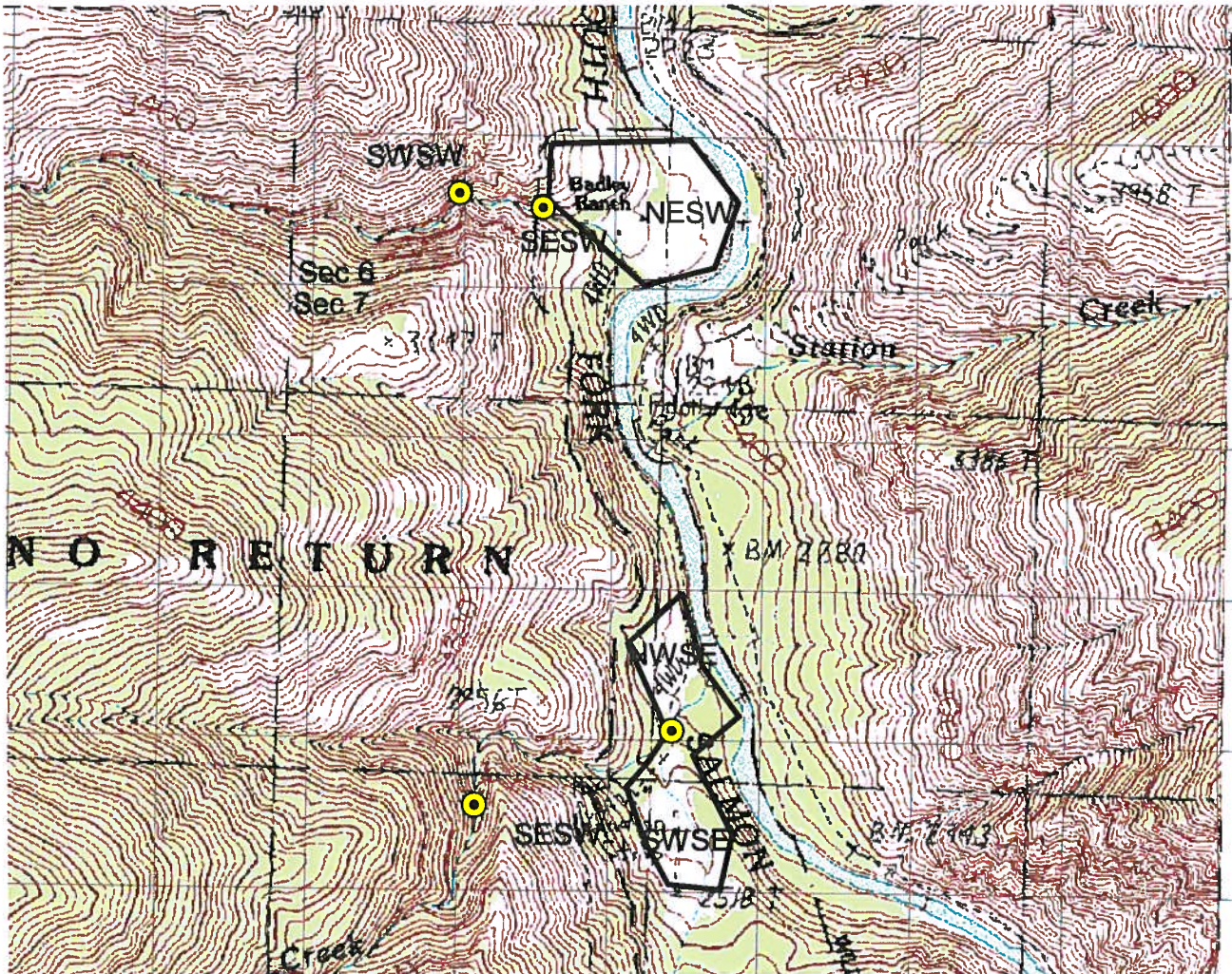
Sections 6 & 7
T23N R8E



- ☒ Point of Diversion
☐ Place of Use

Map prepared on April 14, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

77-2068B



0 1000 2000 Feet

Sections 6 & 7
T23N R8E

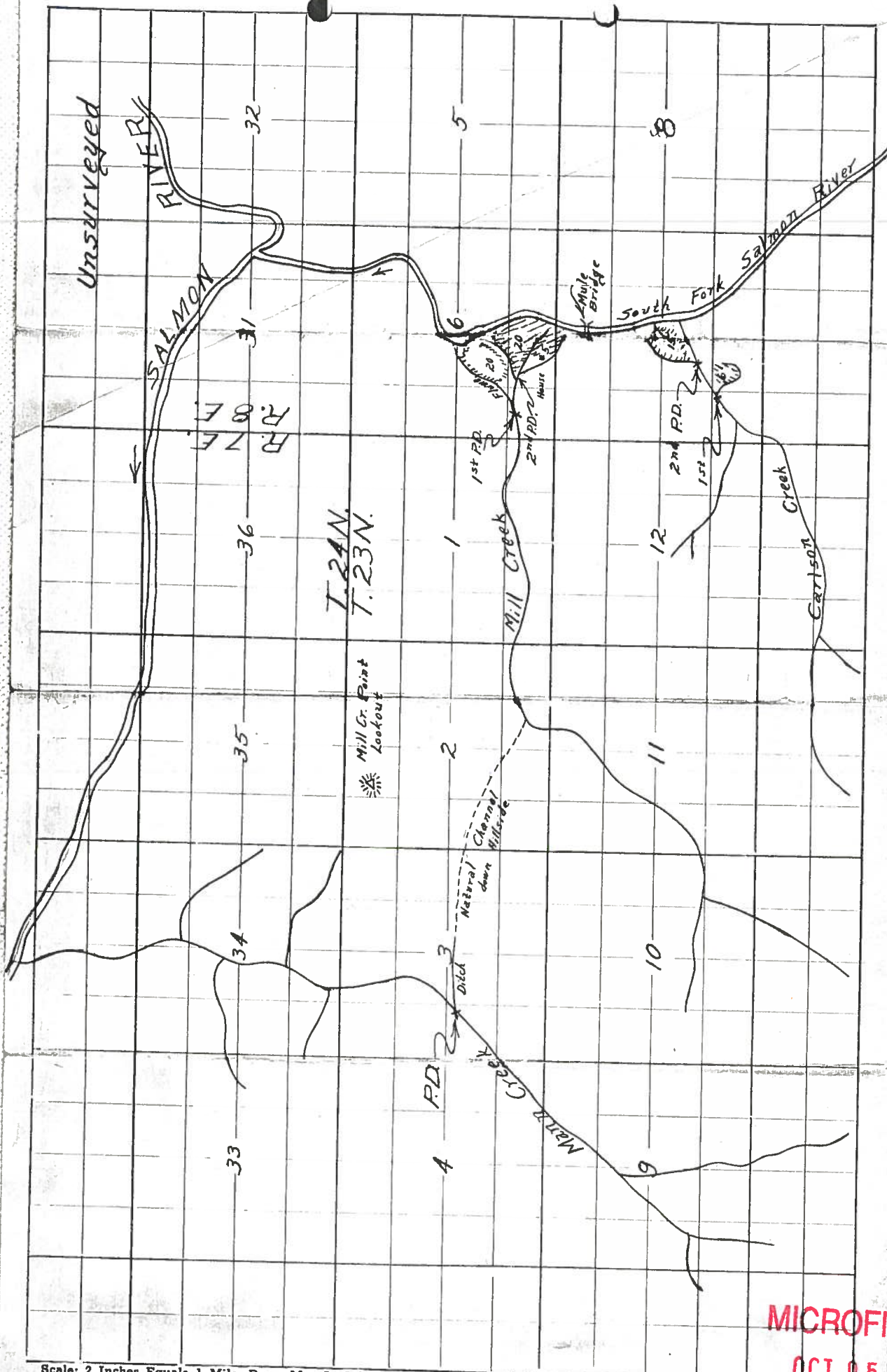


● Point of Diversion

□ Place of Use

Map prepared on April 14, 2005
By Kenneth Knoblock
Idaho Department of Water Resources





Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

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OVER 18509

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: A77-02068 7-25-88
Date Received: ~~7/20/1988~~
Receipt No: C001954 CA
Received By: _____

Department of Water Resources
Western Regional Office

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

1. Name: CLAYTON M. BADLEY
Address: BOX 163
CASCADE, ID 83611

OR

Name: JERRY BADLEY
Address: BOX 163
ARTOIS, CA 95913

916-934-4261

2. Date of Priority: SEP 13, 1937

3. Source: MILL CREEK
MANN CREEK
CARLSON CREEK

Trib. to: SALMON RIVER, SOUTH FORK
SALMON RIVER
SALMON RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	07E	3	NW	SW			IDAHO
	08E	6	SW	SW			IDAHO
			SE	SW			IDAHO
		7	NE	SW			IDAHO
			SW	SW			IDAHO

5. Description of diverting works:

DIVERSION DAMS IN STREAMS WITH DITCHES TO PLACES OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	1.320		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

1.320 C.F.S. (and/or)

A.F.A.

A77-02068

Page 1

Date: 07/20/88

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9. Non-irrigation uses:
DOMESTIC FOR FOUR HOUSEHOLDS, STOCKWATER FOR UP TO 100 HEAD/MIXED

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	08E	6	NE	SW		IRR	20.0
			NE	SW		STOCK	
			SE	SW		IRR	5.0
			SE	SW		DOMEST	
			SE	SW		STOCK	
			SW	SE		IRR	20.0
			SW	SE		STOCK	
					Section Acres		45.0
		7	NE	SW		DOMEST	
			SE	SW		IRR	6.0
			SE	SW		DOMEST	
			SE	SW		STOCK	
			NW	SE		IRR	15.0
			NW	SE		STOCK	
					Section Acres		21.0
					Total Acres		66.0

13. Other Water Rights Used:
STOCKWATER RIGHTS CLAIMED FROM SPRINGS & SO.FK.SALMON R.

15. Basis of Claim: LICENSE
Water Right Number: 18509

OCT 05 1992

10. Place of Use: Continued

Total Acres 15.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

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): Jack Bradley Date: 5/24/88
Andrea Bradley Date: 5/24/88

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of May 19 88

[Signature]
Notary Public

Seal

Residing at Boise ID

My Commission Expires June 10, 1988

Rod in Main Creek is
 west end creek full to divert
 water into head of
 1 high and 2 wells. The dam
 is very small, only about 6'
 high and 14' long. The gate
 were on feet of the material
 sand. Main Creek of P.D. is
 very steep, tumbled from foot
 to end, large slope of creek
 at a distance is about 30°
 from head.
 Dist. from P.D. 3 wells
 is 350 yards long. Large
 creek below is 2' deep, 3'
 wide on bottom and 5' wide
 on top. It is a turned piece
 of the creek, a good old way
 down the hill is a fence, then
 you lower to Mill Creek.
 1st P.D. on small creek 2100'
 approx. from S. F. L. L. L.
 A. J. Dist. claimed by city
 water used so that a dam is
 not necessary other than a
 low rock. Then flow in
 ditch and around P.D. to
 engage 30 acres foot and
 long.
 2nd foot 1400' to river to S
 3rd P.D. 1100' to river N.

STATE OF IDAHO
 DEPARTMENT OF RECLAMATION
 BOISE
 REPORT OF ENGINEER

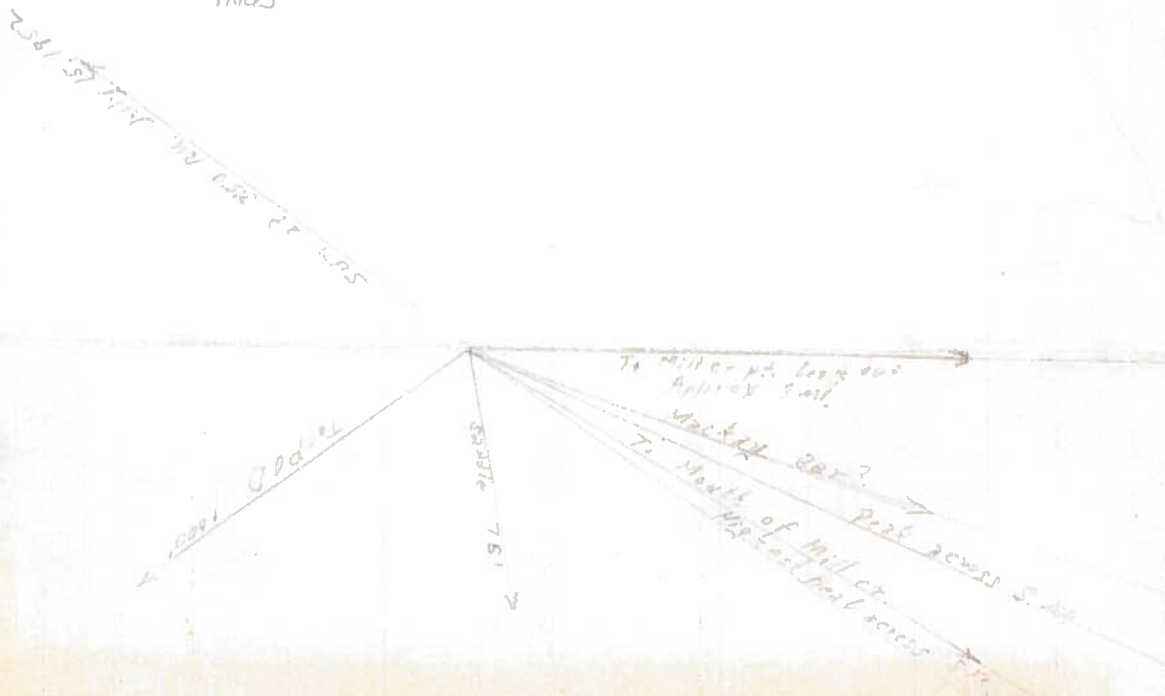
PERMIT NO. 18509

REPORT ON PROOF OF Beneficial use

address
 not home

9 cfs Mann Cr and Mill Cr
 42 cfs Carlson Cr
 (over)

Appl: 4.28 cfs.



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18509

This proof is for Beneficial use

In Water District No.

1. Name of applicant Fred Badley, Warren, Idaho
2. Source of water supply: Mill Creek, Mann Creek, Carlson Creek
Lookout, and about 2 miles from mouth of
3. Location of point of diversion: Is in the About a mile from Mill Creek / of Section Mann Creek, in
T. 23 N. R. 7 E. County of Idaho (unsurveyed)
4. Describe works as they exist, giving dimensions and capacities of same: Carlson Creek, 1st diversion:
Approx 1800' from the mouth of Carlson Cr. at the S. Fk. Salmon River. Ditch is 8"
deep and 20" wide. Irrigates 5 acres south of Carlson Cr. Dam is small, only a row
of rocks and a little sand to turn water to ditch. 2nd diversion: Approx. 900'
up Carlson Cr. from the S. Fk. Salmon River. Dam is 1 1/2' high and 4' long rock and sand.
Ditch is to the north side of Carlson Cr. and is 1 1/2' deep and 4' wide at the diversion.
Irrigates approx. 15 acres.
Mann Creek: FOD. is approx. 2 miles from the mouth of Mann Cr. at the Salmon River.
Earth and rock fill dam 1' high and 14' long. Board headgate is 1' x 2' side. Average
cross-section of ditch is 2' deep, 2' wide on bottom and 5' wide on the top. Ditch is
approx. 350 yards long to saddle between Mann Cr. and Mill Creek. From saddle water
is used for irrigation and domestic purposes (continued below)
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

^{14a} NE 1/4 SE 1/4 S 1/4 Section 31, Twp. 24 N., Range 8 East, B.M.

^{50a} NE 1/4 SE 1/4 SW 1/4 SW 1/4 Section 6; ^{10a} NE 1/4, ^{12a} NE 1/4 Section 7;

^{20a} NE 1/4 Section 18; Twp. 23 North, Range 8 East, B.M.

NE NE = 20a; NW NE = 20a; SW NE = 5a; SE NE = 5a.

Area irrigated: 45 acres by Mill Cr. and Mann Cr., 21 acres by Carlson Cr.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Salmon River
4. (continued) tumbles down mountain side to a draw thence to Mill Creek.
Remarks: Mill Creek: 1st FOD. is approx. 2100' up Mill Creek from the S. Fk. Salmon River.
Ditch is dug into creek so that a diversion dam is unnecessary. Flume of 8" tin pipe
takes all of the water from the ditch approx. 100' from FOD. and takes it over the creek
to the North side and around vertical rock walls for nearly 1200' to ditch on high hill-
side. Approx. 1400' up Mill Cr. from S. Fk. Salmon R. the Mill Cr. divides into three
channels. These channels have been developed into ditches with several lateral headgates
on each.

All of the works mentioned in this report are very old except the works on Mann Cr.
This ranch is reported to have water rights by location notices.

Crops: Grain, hay, and pasture.

This is all in unsurveyed territory.

This examination was made on the 15th day of July 19 52

(Signed)

Alfred B. Larson
Examiner.

OVER

18509

State of Idaho License and Certificate of Water Right

Water License No. 18509 Amount 1.32 second feet
Water District No. Priority September 13, 1937

THIS IS TO CERTIFY that FRED L. BADLEY
of Warren, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 13, 1937; that Permit No. 18509
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.28 second feet, was issued thereunder on February 27, 1943, showing that said works
were completed on the 26th day of February, 1943; and that on the 8th
day of September, 1947,

FRED L. BADLEY
of Warren, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Mill Creek, Mann
Creek, Carlson Creek and Carlson Creek, for the purpose of irrigation and domestic
use, under Use Permit No. 18509 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5386, on the 29th day of October, 1954;

The right hereby confirmed dates from September 13,

1937;

The Point of Diversion is located as shown below;

Warren, Idaho, for use, for the purpose of irrigation and domestic use, in the State of Idaho, County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.42 cubic feet per second. from Carlson Creek, and 0.9 cubic foot per
second from Mill and Mann Creeks.
Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
23 N.	8 E.	6	NE 1/4 SW 1/4 SE 1/4 SW 1/4 SW 1/4 SW 1/4 NE 1/4 SW 1/4 NW 1/4 SW 1/4 SE 1/4 SW 1/4		20 5 20
		7			15 6
Number of Acres Actually Irrigated - 66					
The points of diversion are located as follows:					
No. 1- From Mann Creek, approximately in the NW 1/4 Section 8, Twp. 23 North, Range 7 East, B. M.					
No. 2- Two points of diversion from Mill Creek in approximately SW 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 6, Twp. 23 North, Range 8 East, B. M.					
No. 3- Two points of diversion from Carlson Creek in approximately NE 1/4 SW 1/4 and SW 1/4 SW 1/4 Section 7, Twp. 23 North, Range 8 East, B. M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

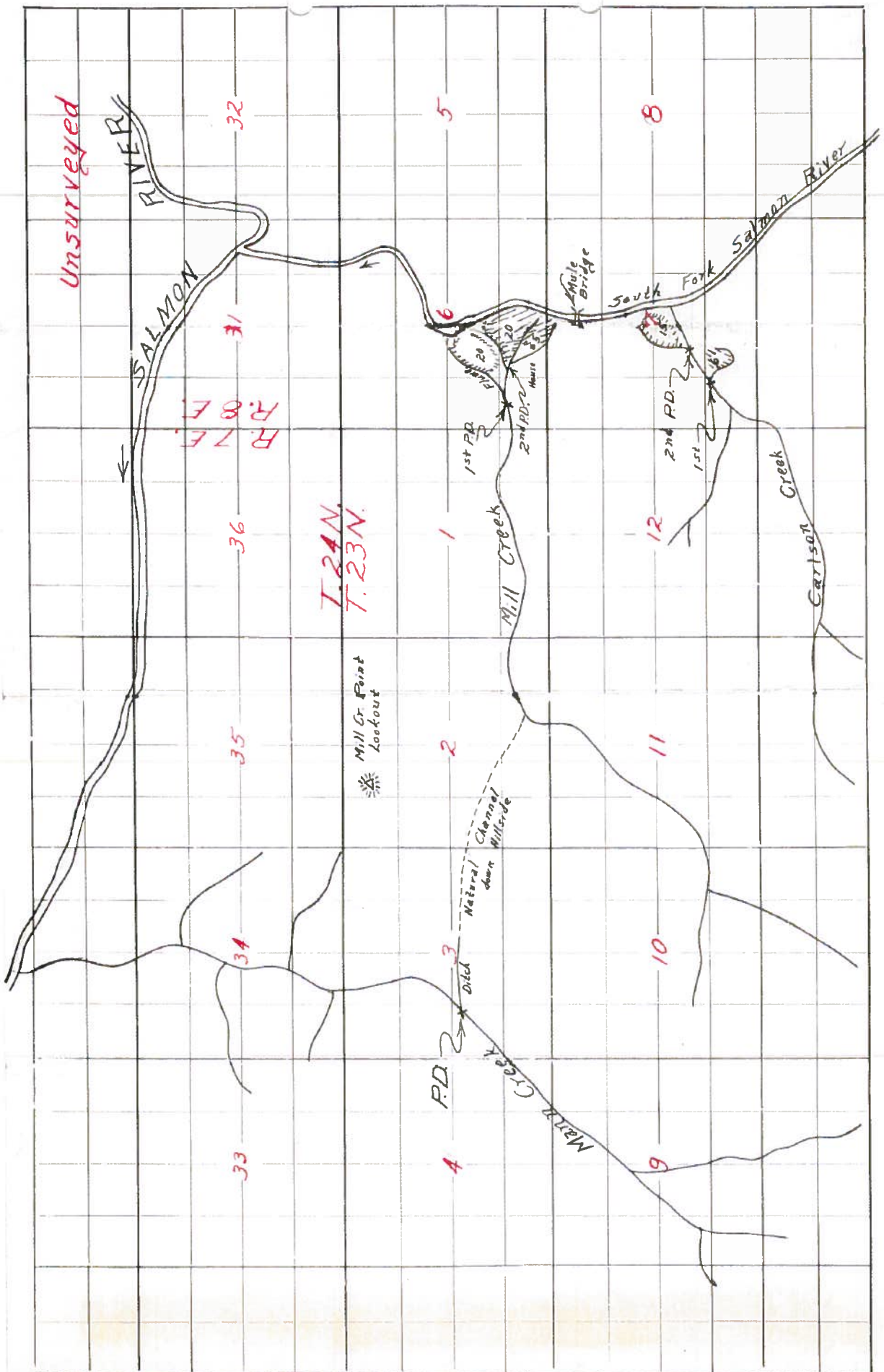
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
29th day of October, 1954.

MARK R. KULP

State Reclamation Engineer

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OCT 05 1992



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

OVER 18509

150' POD on Carbon Creek into
 Broad plane 400' long x 1' wide
 and 1' high into ditch to south
 side of road (Blaine has road
 in 1931. Intend to rebuild
 in time. Width irrigates 10 acres
 2100' from POD to 5th Salween R.
 1800' from 2ND POD. To 5th Salween R.
 Runs to south. Ditch is 5" x 20"
 irrigates 6 acres
 Crops: Potatoes, hay, mixed
 and orchard apples
 300' POD to north side of
 road (Carruth and Road 4' x
 1 1/2' dam. Ditch 4' wide x
 1 1/2' deep. irrigates 15 acres
 900' from POD to 5th Salween R.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Fred Badley
 Warren, Idaho

Permit No. 18509

Examination for Beneficial use

County Idaho

Q = 428 cfs.

Warren Cr. = 1 cfs. }
 Mill Cr. = 228 cfs. }
 Carbon Cr. = 1 cfs. }
 R.

(1) Warren Cr. = 1 1/4 mi. from
 confluence with Salween R.
 (2) Mill Cr. = approx.
 1200' from confluence
 with 1 1/2' dam. Salween
 (3) Carbon Cr. = approx.
 1000' from confluence
 with 1 1/2' dam.

Imp. & flow,

RECEIVED
 AUG 2 1952

Department of Reclamation