

12/08/2004

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

RIGHT NUMBER: 77-2132

NAME AND ADDRESS: YELLOW PINE WATER USERS ASSN INC
C/O DAVID A MC CLINTOCK CH
PO BOX 6
YELLOW PINE ID 83677

SOURCE: SPRINGS

TRIBUTARY: JOHNSON CREEK

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/07/1959

POINT OF DIVERSION:

T19N R08E S28 NENW Within VALLEY County

T19N R08E S28 NWNW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.120 CFS

PLACE OF USE: DOMESTIC Within VALLEY County

T19N R08E S21

SWSW

T19N R08E S28

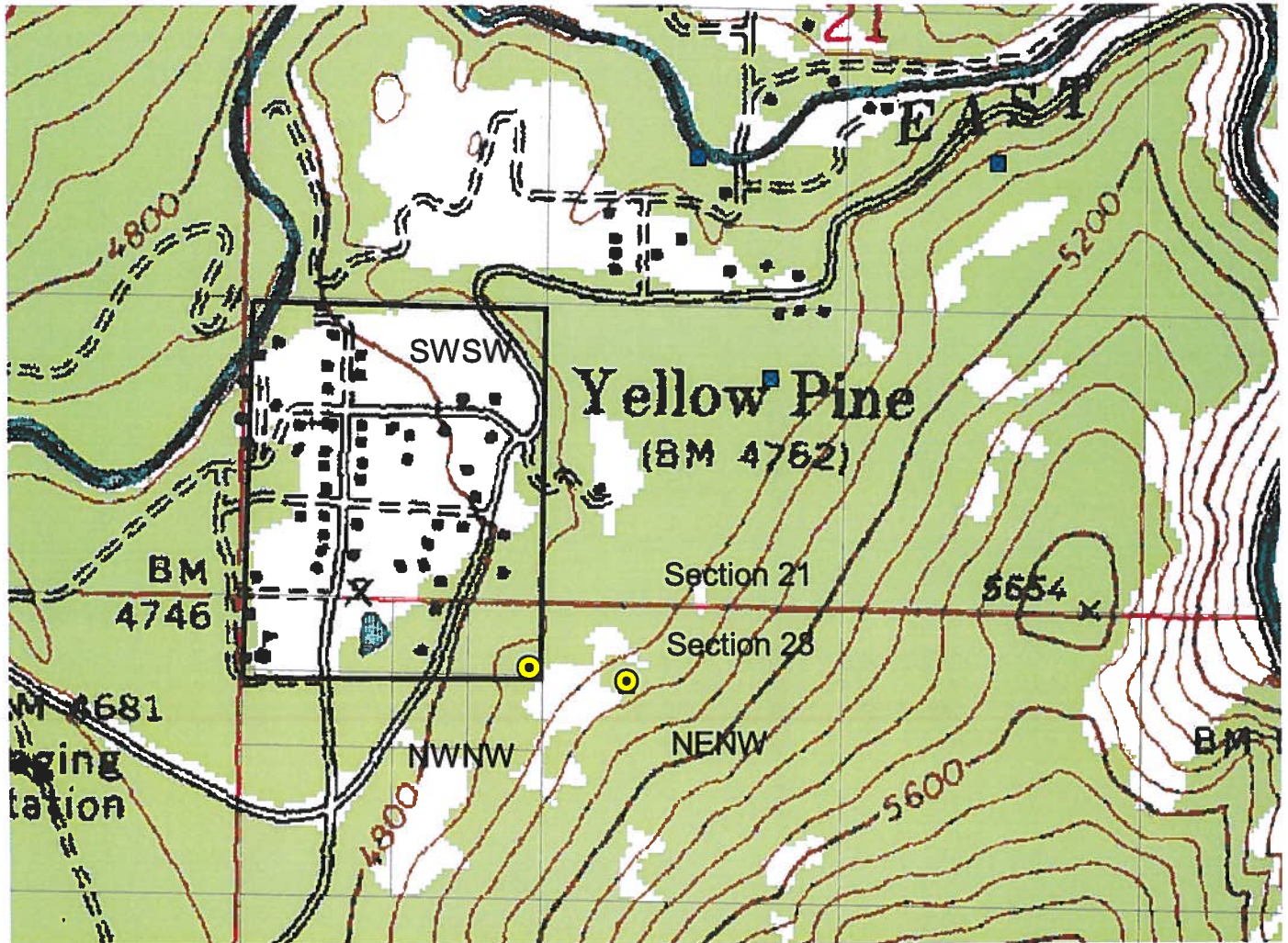
NWNW

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: License

77-2132



0 800 1600 Feet

Sections 21 & 28
T19N R8E

● Point of Diversion

□ Place of Use

Map prepared on December 8, 2004
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 3, 2005

Yellow Pine Water Users
C/o David McClintock
Box 6
Yellow Pine, ID 83677

RE: 77-2132, 77-4056 & 77 7138

Dear Mr. McClintock:

On November 9, 1988, you submitted three Notice of Claims in the Snake River Adjudication. They are:

77-2132 – the amount is 0.12 cfs from springs tributary to Johnson Creek for municipal/domestic use.

77-4056 – the amount is 2.68 cfs from Boulder Creek for municipal/domestic use.

77-7138 – the amount is 0.2 cfs from Quartz Creek for municipal use. The permit for this right lapsed in 1989 so we cannot recommend that it be allowed.

We have enclosed a map of the Yellow Pine area. Would you please mark the boundaries of your association and show the points of diversion for the springs and Boulder Creek and return it to this office?

If you have any questions please contact me.

Sincerely,

Kenneth Knoblock
Water Resources Agent

State of Idaho
License and Certificate of Water Right

Water License No. 27871 Amount 0.12 c.f.s.
Water District No. Priority April 7, 1959

THIS IS TO CERTIFY that E. F. KISSINGER
of Yellow Pine, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 7, 1959; that Permit No. 27871
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.5 second feet, was issued thereunder on July 2, 1964, showing that said works
were completed on the 5th day of June, 1964; and that on the 17th
day of August, 1964, E. F. KISSINGER

of Yellow Pine, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of unnamed
springs, a tributary of Johnson Creek, for the purpose of domestic use
, under Use Permit No. 27871 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
13 of Licenses at page 8275, on the 21 day of September, 1965;
The right hereby confirmed dates from April 7, 1959;

The Point of Diversion is located
in the NW 1/4 NW 1/4, Sec. 28, Tp. 19 N R. 8 E, B. M. Valley 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 0.12 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
19 N	8 E	21 28	SW 1/4 SW 1/4 NW 1/4 NW 1/4 For domestic use only		

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
21st day of September, 1965.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

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: A77-02132
Date Received: 11/09/1988
Receipt No: C003705
Received By: *[Signature]*

RECEIVED

NOV 28 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: YELLOW PINE WATER USERS ASSN., INC.
Address: C/O DAVID A MC MCLINTOCK, CH.
P.O. BOX 6
YELLOW PINE, ID 83677

2. Date of Priority: APR 07, 1959

3. Source: SPRINGS Trib. to: JOHNSON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	08E	28	NE	NW			VALLEY
			NW	NW			VALLEY

5. Description of diverting works:
PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC			0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - FAMILIES IN YELLOW PINE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	08E	21	SW	SW		DOMEST	

A77-02132

Page 1

Date: 11/09/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	08E	28	NW	NW		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
77-07138, 77-04056, 77-7205

14. Remarks:

David A. McIntosh
~~USE CHANGED FROM MULTIPLE DOMESTIC CULINARY SUPPLY TO DOMESTIC
FOR YARDS.~~

15. Basis of Claim: LICENSE
Water Right Number: 27871

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 CHAIRMAN of
Title
Yellow Pine Water Users, Inc. that I have signed the foregoing
Organization
document in the space below as CHAIRMAN of
Title
Yellow Pine Water Users, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.
Dwight A. McClintock
Signature of Authorized Agent
CHAIRMAN
Yellow Pine Water Users, Inc.
Title and Organization
11-22-88
Date

State of Idaho)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of November 19 88

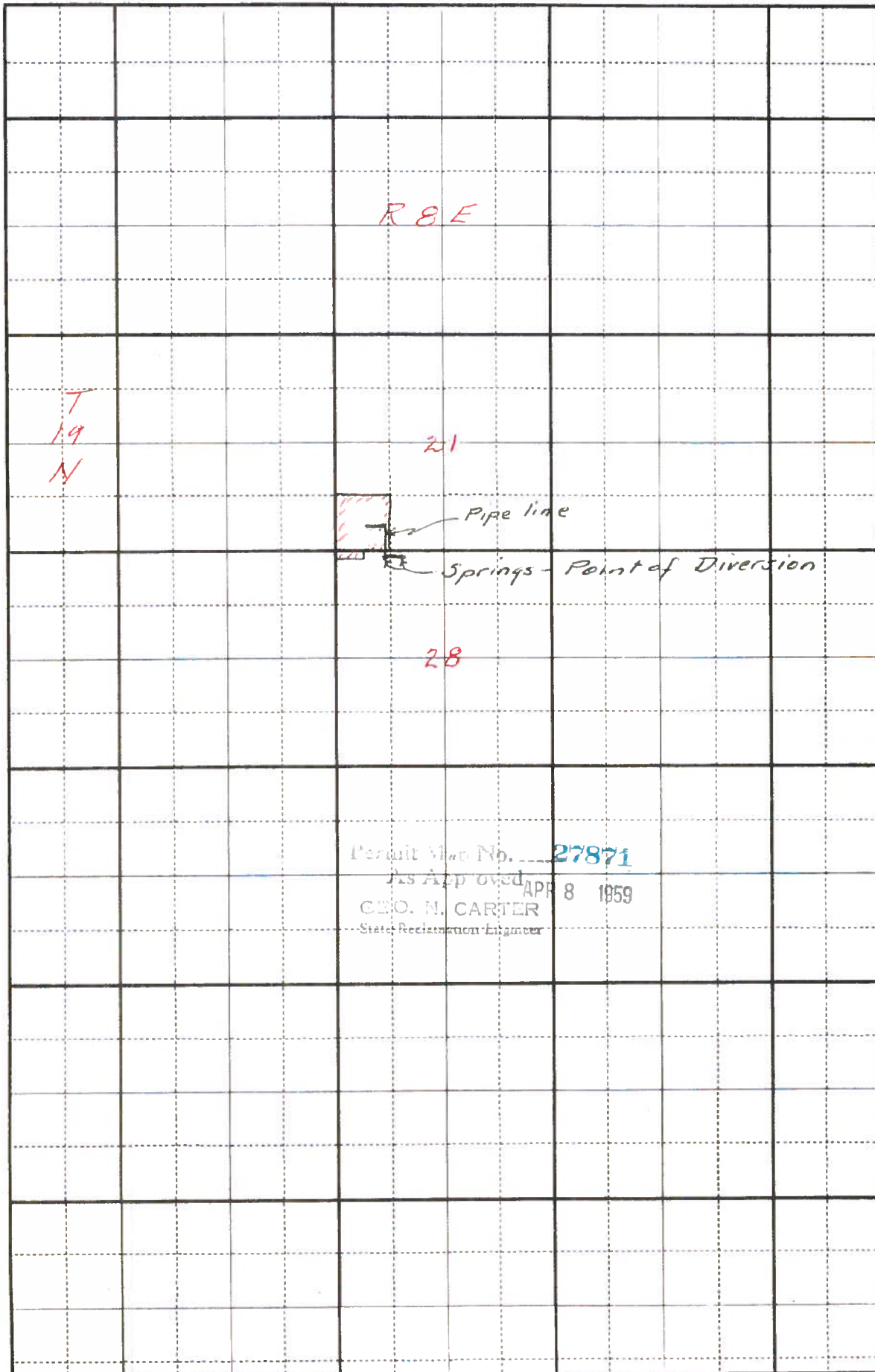
Paula J. McClintock
Notary Public

Seal

Residing at Yellow Pine
My Commission Expires 8-23-94

NAME OF APPLICANT E. F. Kissinger

Form No. 0



Permit Map No. 27871

As Approved APR 8 1959

GEO. N. CARTER

State Registration Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

27871



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

477-02132
477-04056
477-07138
CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 16, 1989

4-22-91
filed 12-1-88
on C003705
on Dennis Smith
Valley

Mr. David A. McClintock, Chairman
Yellow Pine Water Users, Inc.
P. O. Box 6
Yellow Pine, ID 83677

RE: Snake River Basin Adjudication

Dear Mr. McClintock:

Your Request for Extension of Time is returned because the claims as filed were acceptable for processing. The claims were filed timely and the extension is unnecessary.

Thank you for your excellent work. If I can be of any help in the future, please do not hesitate to contact this office.

Yours Truly,

Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Request for Extension of Time
Receipt # C003705

MICROFILMED

OCT 05 1992

10/27/1988

SRDA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME MS C. Intack CLAIM IDENT. NO. _____

DATE RECEIVED 11-28-88 CK # 8 AMOUNT \$ 480.00 YES _____ NO _____

1. Is the name and address complete with zip code? YES _____ NO _____

2. Is a priority date entered? YES _____ NO _____

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? YES _____ NO _____

(b) Is a tributary to entered? (if required) 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? N/A _____

Is the consumptive use correct? 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. N/A _____

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 _____

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A _____

15. Is the basis of the claim indicated? YES _____ NO _____

16. Is the claim signed by the claimant, and 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?) YES _____ NO _____

Has the claim been signed, sealed, and dated by a notary? YES _____ NO _____

Was this claim filed on time, or was an extension granted? YES _____ NO _____

Is the fee enclosed correct? Exempt _____

If this claim is based on an existing water right, has the identification number been entered? N/A _____

Should this claim be receipted and data entered? YES ☒ NO _____

Claim checked by: da
MICROFILMED
OCT 05 1992

Comments: _____

YELLOW PINE WATER USERS, INC.

Box 6

Yellow Pine, Idaho

83677

Date 11-22-88

Page No.

STATEMENT OF:

SNAKE RIVER BASIN ADJUDICATION CLAIMS:

RECEIVED

A 77-04056 BOULDER CREEK

2.68 CFS

NOV 28 1988

\$318⁰⁰

A 77-02132 SPRINGS

.120 CFS

\$62⁰⁰

Department of Water Resources

A 77-07138 QUARTZ CREEK

.200 CFS

\$70⁰⁰

3.000 CFS TOTAL

3 WATER RIGHTS @ \$50.00 PER CLAIM

\$150.00

3.000 CFS @ \$100.00 PER 1.000 CFS.

\$300.00

TOTAL DUE

\$450.00

David A. McIntosh
Chairman

MICROFILMED

OCT 05 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Valley Ct.

November 9, 1988

Yellow Pine Water Users Association, Inc.
David A. Mc Clintock, Chairman
P. O. Box 6
Yellow Pine, Idaho 83677

Re: Snake River Basin Adjudication
Claims A77-02132, A77-04056, A77-07138

Dear Dave,

From the computer data base of water rights, I have drafted three claims for your review and possible submission in the Snake River Basin Adjudication. I would encourage you to submit them only after you are comfortable with the content. If necessary I have enclosed a Request for Extension of Time form for your use, if the deadline the becomes too near.

From my review little doubt exists that claims are necessary for the rights from Boulder Creek and the Springs, A77-04056 and A77-02132 respectively. The fees for these are \$450 and \$62 respectively based on the calculations of \$50 per water right and \$100 per cfs claimed. Perhaps the initially claimed diversion from Boulder Creek is greater than the diversion that has ever been made. Lowering the amount of the diversion and the claimed water right would correspondingly reduce the amount of the fee.

Claim A77-07138, also enclosed, and the water right under 77-07205 (a 1983 filing) fall into the optional category of claiming at this time in the adjudication. The former does not have Proof of Beneficial Use due until July 1, 1989, and the latter not until 1991. As such claims are not required at this time on these water rights because Proof was not submitted before November 19, 1987. Not filing at this time will not jeopardize these water rights, although you will be required to follow further requirements such as submitting Proofs and paying any fees associated with the Proofs as those permits become due. You will be notified by mail of these requirements in the future.

MICROFILMED
OCT 05 1992

McClintock - page 2

If you have any questions please feel free to contact me again. In addition the temporary office staff will be in McCall until November 18. You may call the Hotline 1-800-451-4129 for the location.

Regards,

Donald V. Shaff
Manager, Technical Support Section
Adjudication Bureau

MICROFILMED

OCT 05 1992