

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 37-22598
Date Received: 8/6/2009
Receipt No:
Received By:

RENUMBERED

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

1. Name of Claimant(s)

MILFORD D SWEAT Phone:

656 FAIRBANKS ST APT A-11
FAIRBANKS AK USA 99709

BARBARA L MURPHY Phone:

BOX 215
CAREY ID USA 83320

MICHAEL L OLSEN Phone:

BOX 144
CAREY ID USA 83320

DEAN E OLSEN Phone:

BOX 144
CAREY ID USA 83320

JOEL E OLSEN

568 BAKER ST
TWIN FALLS ID USA 83301

BONNIE C KEVICKI Phone:

43559 W SPARKS CT
MARICOPA AZ USA 85138

2. Date of Priority: 01/11/1909

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	22E	27	SW SE SE	BLAINE	

5. Description of diverting works:

DIVERSION FROM FISH CREEK, DITCH TO MIDDLE POND RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		160
IRRIGATION FROM STORAGE	04/15	10/31		160
STOCKWATER	01/01	12/31	0.23	
DIVERSION TO STORAGE	01/01	12/31	7.4	

7. Total Quantity Appropriated is:
7.4 C.F.S. and/or 160 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	22E	3	SE	SW	IRRIGATION FROM STORAGE	
13			SW	SE	IRRIGATION FROM STORAGE	
26			SE	SE	IRRIGATION FROM STORAGE	
19						
					Section Acres	58
01S	22E	10	NW	NE	IRRIGATION FROM STORAGE	
33			SE	NE	IRRIGATION FROM STORAGE	
15			NE	NW	IRRIGATION FROM STORAGE	
36			SE	SW	IRRIGATION FROM STORAGE	
20			NE	SE	IRRIGATION FROM STORAGE	
32			NW	SE	IRRIGATION FROM STORAGE	
9.4			SW	SE	IRRIGATION FROM STORAGE	
34						
					Section Acres	179.4
01S	22E	15	NW	NE	IRRIGATION FROM STORAGE	
31			SW	NE	IRRIGATION FROM STORAGE	
24			NE	NW	IRRIGATION FROM STORAGE	
31			NW	NW	IRRIGATION FROM STORAGE	
40			SE	NW	IRRIGATION FROM STORAGE	
40			NE	SW	IRRIGATION FROM STORAGE	
40						

Section Acres	225
Total Acres	462.4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 37-22598 .

This right is renumbered from former right 37-2124 .

Previous notes in the claim database state that this right was superceeded by decree. See 37-1178, 37-0743, 37-1179, 37-0757 & 37-0748 (csaxton 8-19-09)

OTHER WATER RIGHTS USED: 37-732, 37-743b, 37-2777, AND 37-2676.

15. Basis of Claim: License

LATE CLAIM RECD:

05/27/2011

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

RIGHT NUMBER: 37-22598

NAME AND ADDRESS: MILFORD D SWEAT
656 FAIRBANKS ST APT A-11
FAIRBANKS AK 99709

BARBARA L MURPHY
BOX 215
CAREY ID 83320

MICHAEL L OLSEN
BOX 144
CAREY ID 83320

DEAN E OLSEN
BOX 144
CAREY ID 83320

JOEL E OLSEN
568 BAKER ST
TWIN FALLS ID 83301

BONNIE C KEVICKI
43559 W SPARKS CT
MARICOPA AZ 85138

6/3/11
phone call w/ Bryson
BLM sent a pre-OBJ
notice Re: this Rt.
Hope changes made below
will avert a Real OBJ
By BLM later.

SOURCE: FISH CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 7.400 CFS
62.400 AFY

The capacity of the storage reservoir is 62.4 AF.

PRIORITY DATE: 08/23/1914

POINT OF DIVERSION:

T01N R22E S27 SWSESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.200 CFS
DIVERSION TO STORAGE	01/01 12/31	7.400 CFS
IRRIGATION STORAGE	01/01 12/31	62.40 AFY
IRRIGATION FROM STORAGE	04/15 10/31	62.40 AFY

PLACE OF USE:

(IRRIGATION STORAGE in BLAINE County
T01N R22E S34 NESE
IRRIGATION FROM STORAGE in BLAINE County

→ move to Exp
Remark "off Stream
Reservoir"

T01S R22E S03	SWSE	26.00	T01S R22E S03	SESE	19.00
T01S R22E S10	NWNE	33.00	T01S R22E S10	SENE	15.00
T01S R22E S10	NENW	36.00	T01S R22E S10	SESW	19.00
T01S R22E S10	NESE	32.00	T01S R22E S10	NWSE	9.40
T01S R22E S10	SWSE	34.00	T01S R22E S15	NWNE	31.00
T01S R22E S15	SWNE	24.00	T01S R22E S15	NENW	34.00
T01S R22E S15	NWNW	39.00	T01S R22E S15	SENW	40.00

05/27/2011

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

T01S R22E S15	NESW	40.00	T01S R22E S15	NWSE	19.00
---------------	------	-------	---------------	------	-------

STOCKWATER same as IRRIGATION STORAGE

450.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 475.9 acres in a single irrigation season. Combined Right Nos.: 37-732, 37-743B, 37-2777, 37-2676, 37-7620 & 37-22598.

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

This right is renumbered from former right 37-2124 .

This right was renumbered to right 37-22598 .

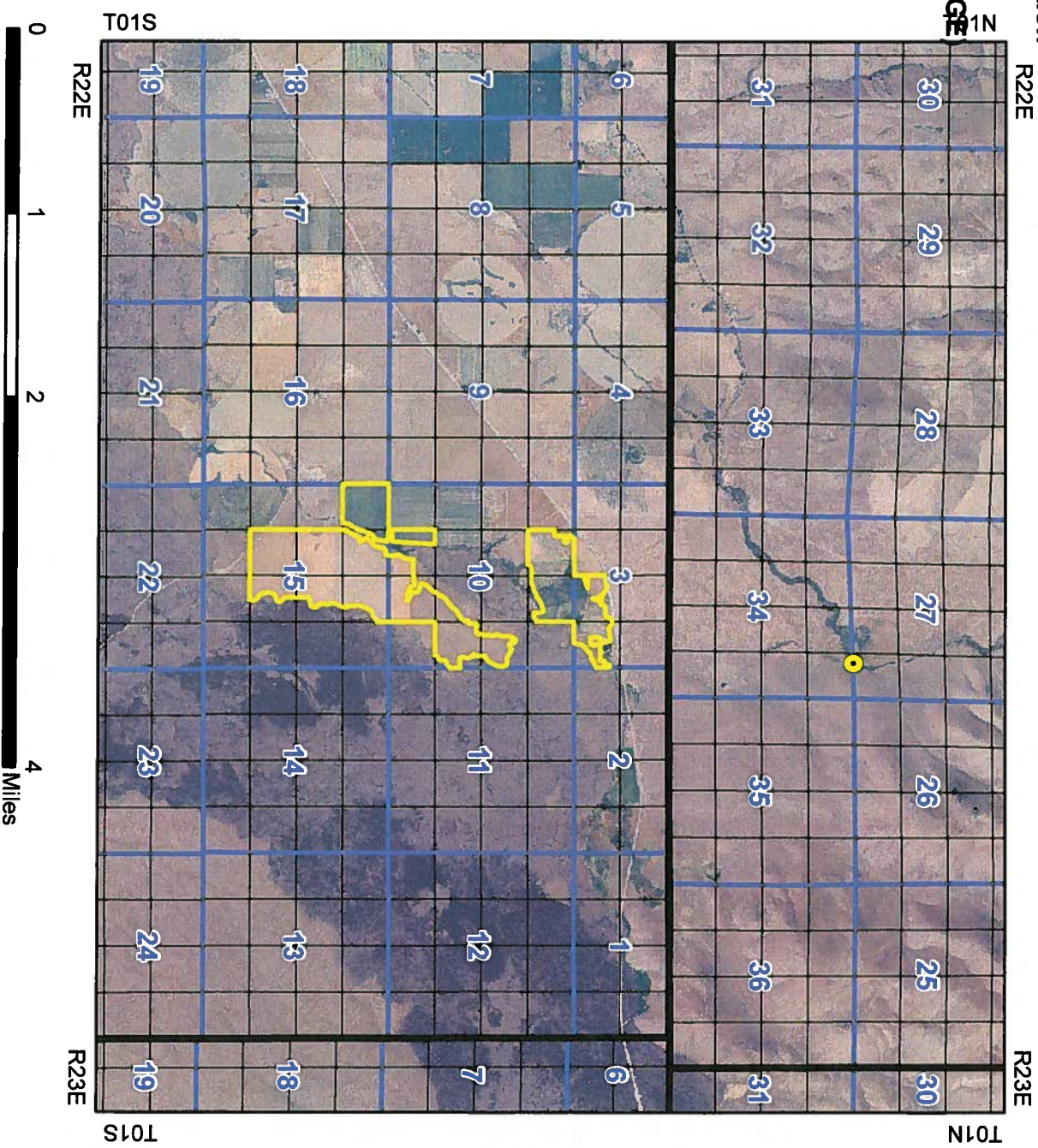
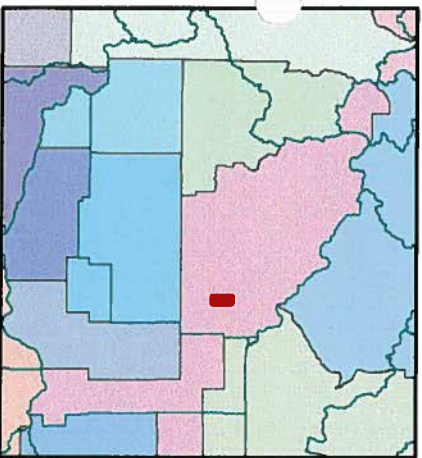
Idaho Department of Water Resources



Adjudication Recommendation
37-22598
(IRRIGATION FROM STORAGE)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



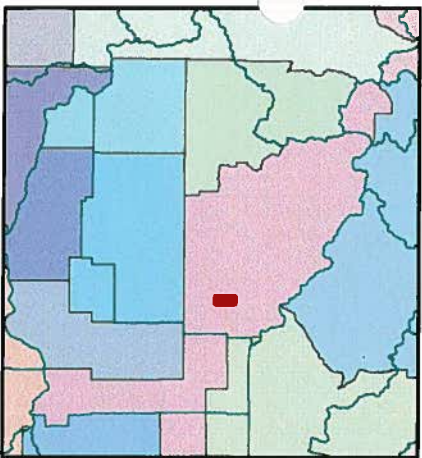
Idaho Department of Water Resources



Adjudication Recommendation
37-22598
(IRRIGATION FROM STORAGE)

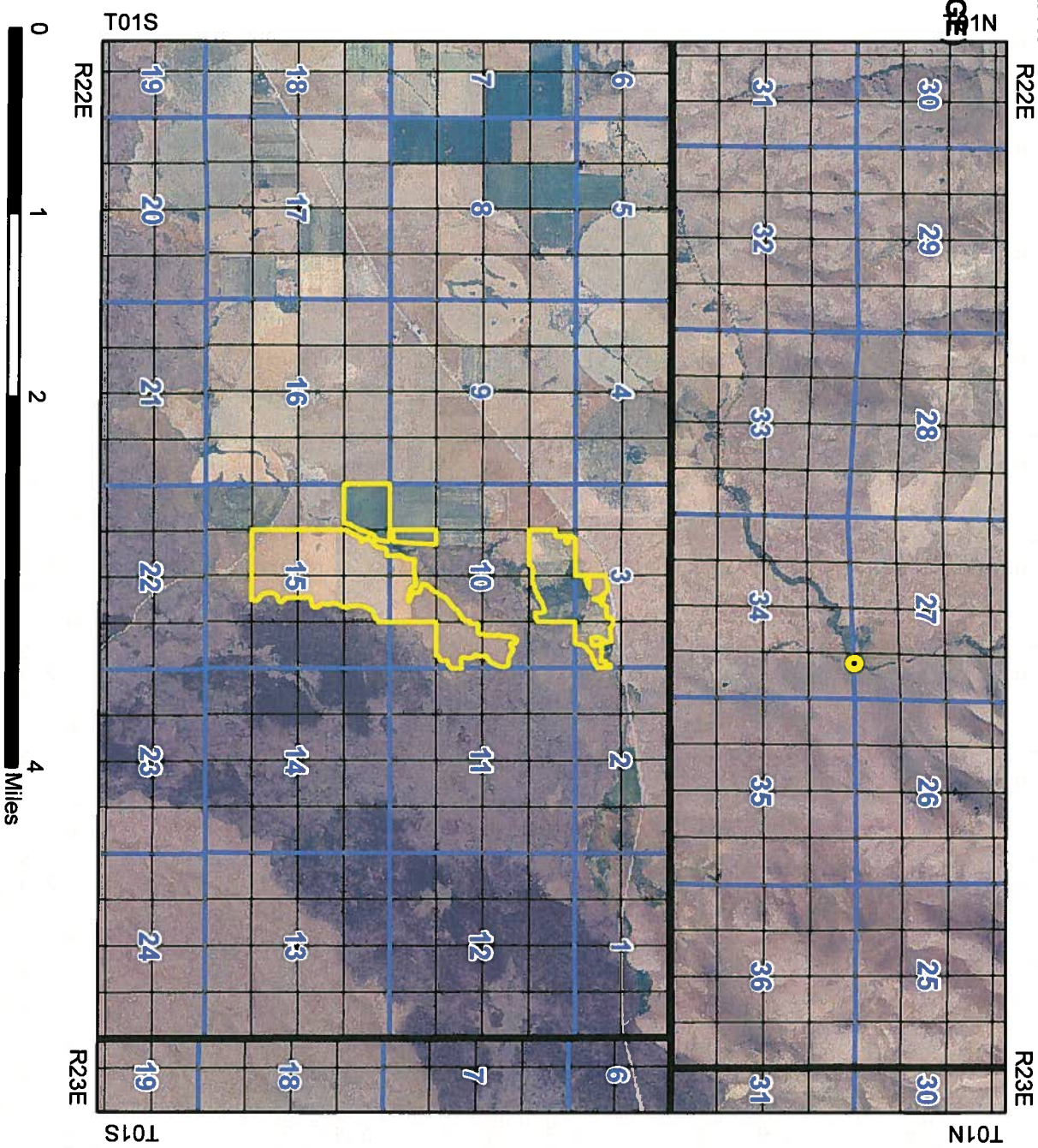
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Clelland, Steve
On March 10, 2011
2004 Aerial Photography





Idaho Department of Water Resources

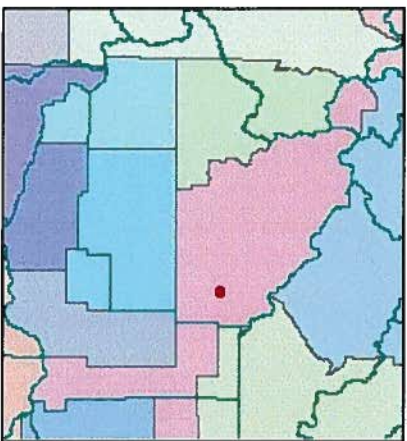
Adjudication Recommendation

37-22598

(IRRIGATION STORAGE)

Legend

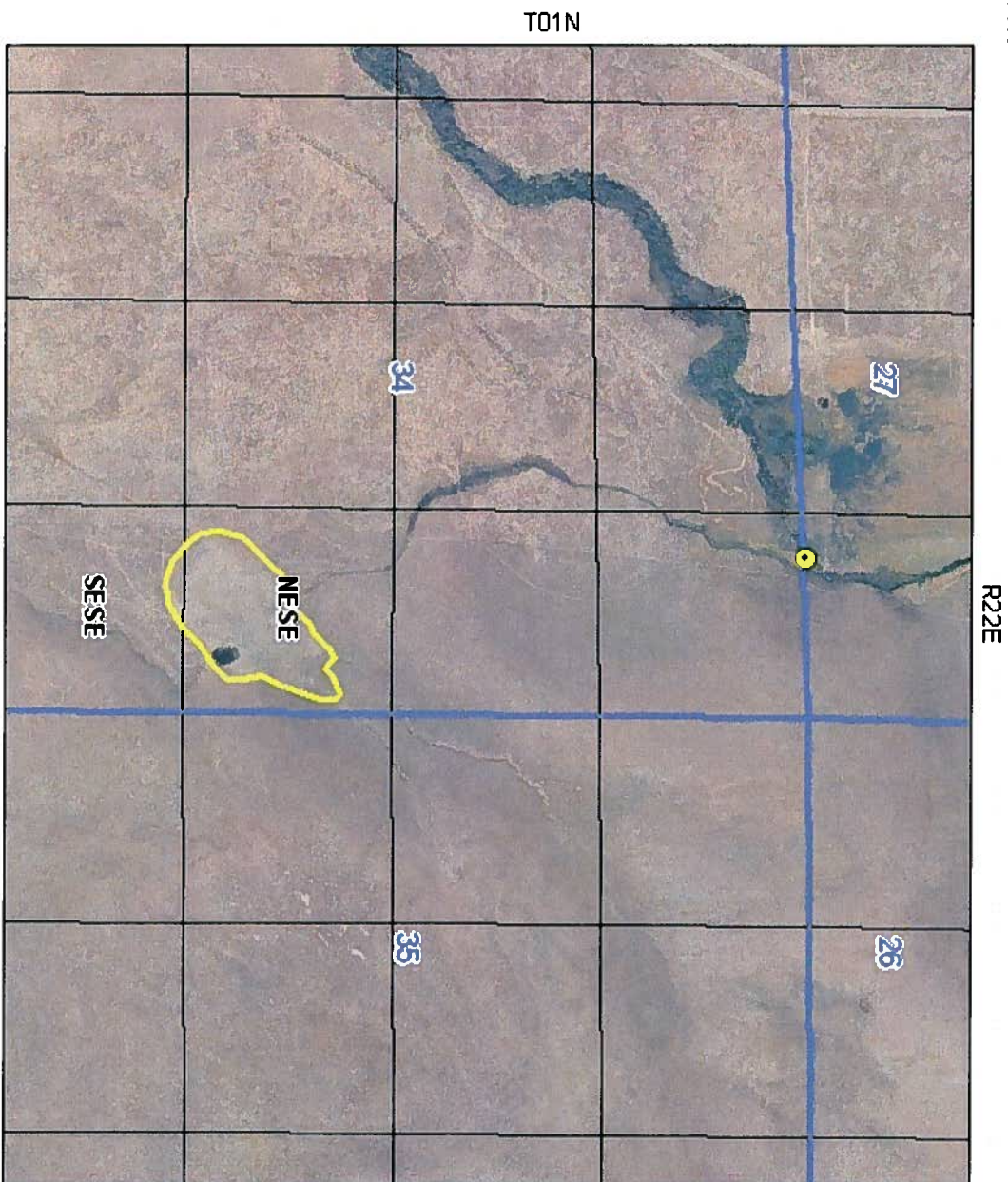
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

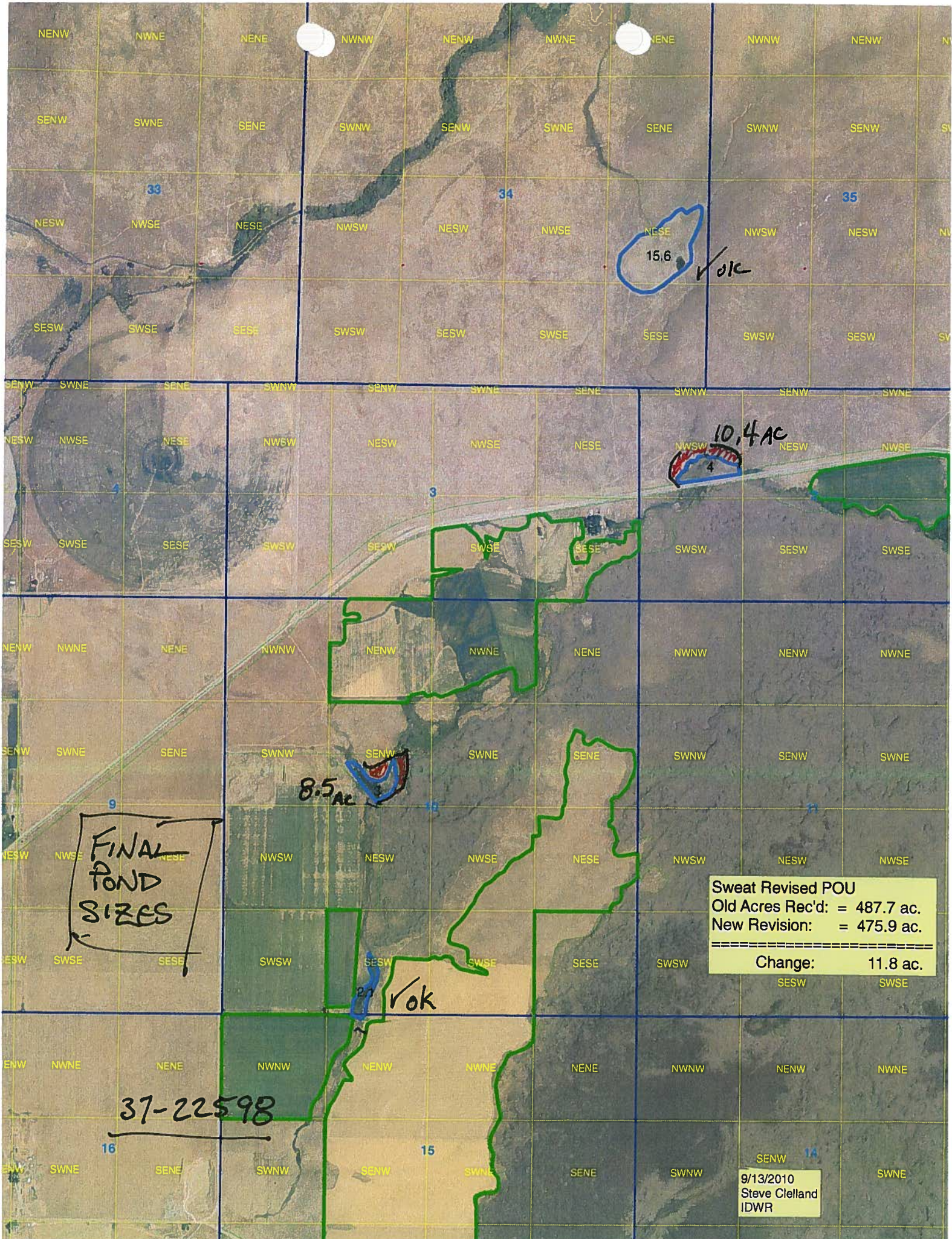


Blaine County
IDWR Basin 37

Prepared by Clelland, Steve
On March 10, 2011

2004 Aerial Photography





FINAL
POND
SIZES

37-22598

Sweat Revised POU
Old Acres Rec'd: = 487.7 ac.
New Revision: = 475.9 ac.
=====

Change: 11.8 ac.

9/13/2010
Steve Clelland
IDWR

11N

TIN
R22E
S27



37-22598

15.6 Ac
62.4 AF

Blue Sheet (x 1/3 shape)

62.4

52 AF

20.8

17 AF

30.6

25.5

4.2

3.5 AF

BLM = 15.6 AC

Coates = 10.4 AC

Wheatley = 8.5 AC

Pump pond = 2.1 AC

send email
to Fritz
& Bryan
1/12/11
3pm

1/3 method is 0.34 adj. factor

Best Docs
show this
method

"Blue Sheet"

is 0.40 adj. factor

37-22598 Pond Volume

15.6 AC * 10' depth * 0.40 slope adjustment
= 62.4 AF

County: Blaine
Stream: Fish Creek
Amount: 7.4 cu.ft. per sec.
Use: irrigation and domestic
Priority: January 11, 1909.

STATE OF IDAHO

Water License No. 4279

WHEREAS, On the 11th day of January, A. D. 1909,

Paul Coates, G. W. Evine and R.R. Moore
of Carey, County of Blaine, State of Idaho, duly made application
(No. 6073) to me for a permit to use 16 cubic feet per second of the waters of
Fish Creek
County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 16th day of January, A. D. 1909, Permit No. 4279 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 16th day of January, A. D. 1912, and for the application to ben-
eficial use of said water on or before the 16th day of January, A. D. 1914, and,

WHEREAS, On the 27th day of January, A. D. 1912,
Paul Coates, G. W. Evine and R.R. Moore

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
16 cubic feet per second of said waters, as evidenced by my Certificate No. 4279
dated November 30, 1912, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 16 cubic feet per second of said water,
with date of priority of January 11, 1909, and

WHEREAS, On the 15th day of January, A. D. 1914,
Paul Coates, G. W. Evine and R.R. Moore

the holder of said permit, duly made proof of the application to beneficial use of 7.4 cubic
feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to Paul Coates, G.W. Evine and R.R. Moore

of Carey, County of Blaine, State of Idaho, the holder and owner
of said Permit No. 4279, a perpetual right, dating from January 11, 1909
to the use of 7.4 cubic feet per second of the waters of Fish Creek,

in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1340 feet west of $\frac{1}{4}$ cor. to
Secs. 27-34, T. 1 N., R. 22 E.B.M.,

and conducted to and upon 370 acres, divided as follows: 25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 35
acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ & 35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 1 N., R. 22 E.B.M.; 3 acres in
SE $\frac{1}{4}$ NE $\frac{1}{4}$, 12 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 35 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ & 35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8,
T. 1 S., R. 22 E.B.M.; 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 1 S.R.
22 E.B.M.; 15 acres in NW $\frac{1}{4}$ LW $\frac{1}{4}$, 5 acres in SW $\frac{1}{4}$ LW $\frac{1}{4}$, 25 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T.
1 S., R. 22 E.B.M.; 18 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 17 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$,
30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ & 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T. 1 S., R. 22 E.B.M., for the
purpose of irrigation and domestic use,

~~for the purpose of~~

, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source or supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 12th day of December
A. D. nineteen hundred and fourteen.

Herbert Wing,

(Seal)

Acting State Engineer.

37 2123

No Mention
of Storage
on Reservoir.
Only Reference
is in Permit Appl.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Paul Coates et al #4279
 2. State source of water supply: Trish Creek
 3. Location of point of diversion: 1370 ft west of 1/4 cor to Sec 27 and 34
T. 1 N R 22 E

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

Yes

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: _____
 (b) Width at water line: _____
 (c) Depth of water: _____
 (d) Grade per mile: _____
 (e) Capacity of ditch: _____ second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

No water at this time but has had a
good flow

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: NW¹ME⁴ No. acs; SW⁴ME⁴ 25 ac; NW⁴SE⁴ 35 ac; SW⁴

SE⁴ 35 ac all in Sec 34 T. 1 N R 22 E. SE⁴ME⁴ 3 ac; ME⁴SE⁴ 12 ac;
SE⁴SE⁴ 35 ac; SW⁴SE⁴ 35 ac all in Sec 8 T. 1 S R 22 E. SW⁴NW⁴
5 ac; NW⁴SW⁴ 10 ac. all in Sec 9 T. 1 S R 22 E. NW⁴NW⁴ 15 ac; SW⁴NW⁴
5 ac; SE⁴NW⁴ 25 ac; ME⁴SW⁴ No. acs; all in Sec 10 T. 1 S R 22 E. (See Remarks)

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: ME⁴NW⁴ 18 ac; SE⁴NW⁴ 12 ac; NW⁴ME⁴ 25 ac;
ME⁴ME⁴ 30 ac; SE⁴ME⁴ 40 ac; SW⁴ME⁴ No. acs.

OFFICE OF STATE ENGINEER

Ex Aug 23 - 1914

Walden R. H. Engle

STATE OF IDAHO,

County of _____

} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

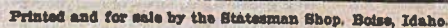
Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

Notary Public.

4279

4279



No. 6073.

37-2124

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicants: Paul Coates, G. W. Evins, R. R. Moore.

Postoffice address: Carey.

County: Blaine State: Idaho.

2. The quantity of water claimed is 16 cubic feet per second.

3. Source of water supply: Fish Creek.

County of Blaine.

4. Location of point of diversion: About center SE $\frac{1}{4}$ Sec. 27 T. 1 N. R. 22 E. B. M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of lands to be irrigated - 800 acres.

(b) In the following legal subdivisions: See attached slip.

6. Estimated cost of works: \$1500.

7. Description of works for diversion:

I. Kind of works: Dam, reservoir & ditch.

II. Dimensions of works:

(a) Height of dam 10 feet, length of dam at top 100 feet, length of dam at bottom 40 feet. Material used in construction: Wood, earth and stone.

(b) Capacity of reservoir: 160 acre-feet.

(c) Size of headgate: Width 3 feet, height 6 feet.

(d) Conduit ditch, width at bottom 6 feet, width at water line 10 feet, depth of water 1 $\frac{1}{2}$ feet. Average grade per mile is 25 feet. Length of conduit is 1 mile to reservoir, and main one 2 miles and it crosses the following quarter sections: SE $\frac{1}{4}$ Sec. 27, NE $\frac{1}{4}$ and SE $\frac{1}{4}$ 34. 1 N. 22 E. B. M. SE $\frac{1}{4}$ & SW $\frac{1}{4}$ Sec. 3 NE $\frac{1}{4}$ and NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 10, SE $\frac{1}{4}$ Sec. 4, NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec. 9. NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 8, NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 17, T. 1 S. R. 22 E. B. M. to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is 3 years.

9. Time required for the complete application of the water to the proposed use is 2 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Paul Coates, G. W. Evins, R. R. Moore,

Applicant.

By.....McFadden & Broadhead.....Agent.

JONES BUREAU LIAISON, MAY, FEB. 7, 1938

JONES BUREAU LIAISON, MAY, FEB. 7, 1938

4279

Remarks: Following is description of land to be irrigated: $3\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 3, NW $\frac{1}{4}$ and NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and $3\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 8, and NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 17, T. 1 S. R. 22 E. B. M.

The reservoir is to be built as a storage reservoir, to catch the freshet waters in the spring.

Approval of State Engineer.

The number of this permit is 4279.

Date of first receipt of application 9.00 a.m. January 11, 1909.

Recorded in Book 12, Page 4279 Approved January 16, 1909.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before March 17, 1909, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 16, 1910.

The whole of said work to be completed on or before January 16, 1912.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to January 16, 1914.

Witness my hand this sixteenth day of January, 1909.

Jas. Stephenson, Jr.,

State Engineer.

To Hon. James Stephenson, Jr.

State Engineer, Boise, Idaho.

Sir:

We the undersigned holders of permit No. 4279 to appropriate sixteen cubic feet per second of the waters of Fish Creek in Blaine County, Idaho hereby apply to have the same amended so as to read as the place of intended use: The West half of the Northeast quarter and West half of the Southeast quarter, section thirty-four (34), township one (1) North, Range twenty-two (22) East, instead of south half Northeast quarter, north west quarter, southeast quarter, north east quarter southwest quarter, section ten (10), township one (1) south, range twenty two (22) East. B.M. It being intended to exclude from the description of the land in said permit the last above described tract and to include in lieu thereof the first above described tract.

No additional amount of water is applied for and no other persons or corporation is in any manner adversely affected by such a proposed amendment.

Respectively,

Paul Coats

G.W.Evins,

R.R.Moore.

Dated July 2nd, 1909

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9. a.m. July 29, 1909.

Jas. Stephenson, Jr.

State Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 4279.

Come now Paul Coats, G. W. Evins, R. R. Moore, and represent to the State Engineer of the State of Idaho,

That they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. 4279, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: $W\frac{1}{2}$ NE4, W2 SE4, Sec. 34, T. 1 N. R. 22 E. NW4 NW4, S2 NW4, NE4 SW4, Sec. 10, SE4 NE4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, SW4 NW4, NW4 SW4, Sec. 9, S $\frac{1}{2}$ SE $\frac{1}{2}$ Sec. 8, E $\frac{1}{2}$ NW4, NE $\frac{1}{4}$ Sec. 17 Tp. 1 S. R. 22 E. B. M., making a total of 800 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Hailey, Idaho, this 18 day of Dec. 1911.

Paul Coats
George W. Evins
R. R. Moore.

Date of receipt at office of State Engineer 9.00 a.m. Dec. 1911.

APPROVAL OF STATE ENGINEER.

I, A. E. Robinson, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 4279. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part,

and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 23 day of December, 1911.

A. E. Robinson

State Engineer

1st Notice received December 19th, 1911, fixing January 27th, 1912, as date and Carey as place of proof.

Deposition blanks mailed December 20th, 1911, to C. C. Chetler.

Publication Notice mailed December 20th, 1911, to the Gate City News of Bellevue.

Depositions, affidavit and fee received February 1st, 1912.

L. A. Dithmer of Hailey authorized October 21st, 1912, to make the required examination.

Report received November 8th, 1912.

Certificate issued November 30th, 1912.

Permit No. 4279.

CERTIFICATE OF COMPLETION OF WORKS.

To Whom it May Concern:

This is to certify that PAUL COMES, G. W. EVILS, and E. R. MOORE, of Carey, County of Blaine and State of Idaho, the holders of Permit No. 4279, issued upon Application No. 6073, bearing date of priority of January 11th, 1909, authorizing the diversion of 16 second feet of the waters of FISH CREEK, County of Blaine, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 16 second-feet of the waters of Fish Creek; that the point of diversion of said waters is at a point in the center of the Southeast quarter, (SE $\frac{1}{4}$), Section 27, Township 1 North, Range 22, East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 34, Township 1 North, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 8, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 17, Township 1 South, Range 22, East of the Boise Meridian.

Witness my hand this 30th day of November, A. D. 1912.

A. E. Robinson,

State Engineer.

License issued for 44 second fee

Page 1717



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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 21, 2010

FRITZ X HAEMMERLE
HAEMMERLE & HAEMMERLE PLLC
PO BOX 1800
HAILEY ID 83333

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim 37-2124
Your client: **Bonnie C Kevicki**

Dear Mr. Haemmerle,

The Idaho Department of Water Resources (IDWR) recently received Motion to File Late Notice of claim 37-2124.

My initial review found that under item 10 on the claim sent to the court, a place of use is claimed for IRRIGATION purposes. However, IRRIGATION is not actually claimed as a purpose of use under item 6.

I have enclosed an amended claim where the purpose of use listed under item 10 has been changed to IRRIGATION FROM STORAGE.

Please review the claim and make any changes you feel necessary. When satisfied, you will need to submit the claim to the parties listed on the certificate of mailing.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s): Amended Notice of Claim 37-2124

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 37-2124

[illegible]



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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 11, 2010

FRITZ X HAEMMERLE
HAEMMERLE & HAEMMERLE PLLC
PO BOX 1800
HAILEY ID 83333

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #37-2124
Your Client: Bonnie C. Kevicki

Dear Mr. Haemmerle:

The Notice of Claim to a Water Right you filed for your client referenced above was received from the SRBA Court recently. I have enclosed receipt #C089740 for the fees your firm paid.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region
Enclosure:

Receipt Referenced Above

SCANNED
JAN 05 2010

Saxton, Craig

From: Bromley, Chris
Sent: Wednesday, December 16, 2009 10:27 AM
To: Saxton, Craig
Subject: Late Claims Granted

Craig,

Two late claims were granted yesterday: 37-2124 and 73-12144.

The B73 is a de minimis stock right.

The B37 is a Fritz H. claim that needs some work. You'd communicated with Nick previously about this one. The claim needs help to properly describe the POU for the various purposes. Also, please check with Don to see if it should be part of the B37 separate stream general provision.

Thanks!

Chris

Saxton, Craig

From: Saxton, Craig
Sent: Monday, November 02, 2009 9:44 AM
To: Spencer, Nick
Subject: RE: Late claim number 37-2124 (Kevicki)

Hey Nick.

My letter isn't the clearest and I apologize. The short answer is right now the purpose of use and the place of use don't match. The claim should be amended so that they match. Most likely, they both should say "irrigation from storage".

My intent was to have Haemmerle have his client amend his claim so the place of use was identified as being for "irrigation from storage" so it matched what he claimed as a purpose of use.

I will try to answer your questions in more detail in the body of your original message.

Thanks,
c

From: Spencer, Nick
Sent: Friday, October 30, 2009 4:19 PM
To: Saxton, Craig
Cc: Ridgeway, Renea
Subject: Late claim number 37-2124 (Kevicki)

Hi Craig. The hearing on this late claim comes up next Friday (Judge Melanson is changing his schedule as he transitions from being a district judge to being a court of appeals judge). In the late claim legal file is a memo from you and a letter from you to Fritz Haemmerle, claimant's attorney, regarding an omission in the late claim, viz. that the late claim contained an irrigation POU but did not contain an irrigation use. **Agreed** Your observation was that the claimant likely intended to claim "irrigation from storage" as a purpose place of use, but had **mistakenly described it as "irrigation"** ~~overlooked doing so~~. In your letter to Haemmerle you suggested that he file an amended claim with the court ~~listing this purpose of use~~ **identifying the place of use as being for "irrigation from storage" rather than just for irrigation.**

Both the letter and the memo are dated August 19, 2009. The motion to file the late claim, and the late claim in the file are both dated July 29, 2009. They both contain a file stamp indicating they were scanned by IDWR on August 3, 2009. However, the copy of the July 29 claim in the file does in fact already list "irrigation from storage" as a purpose of use. I am confused. **It was the place of use that needed changing. Purpose of use was fine.** Do you have any idea how that could have happened? What am I overlooking? Is the July 29th late claim sufficient after all?

Also, on a related matter I notice that the claim is for 370 inches of water to irrigate 462 acres. Yet the motion for late claim lists only \$100 in late fees paid. Haemmerle does indicate that the claimant has other water rights. Do I correctly infer from this that the per acre fee for these 462 acres was previously paid pursuant to another claim for them? **Yes, an overlap analysis identifies 37-732, 37-11762, 37-1162, and 37-743B as claiming the same or similar place of use (enough overlap to cover acres claimed under 37-2124). Receipt M001651 (\$935.00) appears to be the receipt for a couple of these rights but I haven't tracked down the details to absolutely confirm that each acre has been paid for because the receipt does not itemize how much is paid for each claim. I do feel that there is enough evidence to support that the variable fee for the acres claimed has been paid for.**

Please let me know your thoughts. Thanks.
NBS

SCANNED
JAN 05 2010



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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 19, 2009

FRITZ X HAEMMERLE
HAEMMERLE & HAEMMERLE PLLC
PO BOX 1800
HAILEY ID 83333

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim 37-2124
Your client: Bonnie C Kevicki

Dear Mr. Haemmerle,

The Idaho Department of Water Resources (IDWR) recently received Motion to File Late Notice of claim 37-2124.

My initial review found that under item 10 on the claim sent to the court, a place of use is claimed for IRRIGATION purposes. However, IRRIGATION is not actually claimed as a purpose of use under item 6.

I have enclosed an amended claim where the purpose of use listed under item 10 has been changed to IRRIGATION FROM STORAGE.

Please review the claim and make any changes you feel necessary. When satisfied, you will need to submit the claim to the parties listed on the certificate of mailing.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s): Amended Notice of Claim 37-2124