

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: **A43-00156**
Date Received: 4/18/1989
Receipt No: S006894
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: FOREVERGREEN FARM INC
Address: PO BOX 464
ELBA ID

208-638-5512

83326

2. Date of Priority: APR 30, 1884

3. Source: CASSIA CREEK

Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	25E	6	NE	SW	NE		CASSIA

5. Description of diverting works:
VIA RICE-LESSY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

9.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/3 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	25E	32	NW	SE		STOCK	
			NW	SE		IRR	3.0

10. Place of Use: Continued

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
 NONE

14. Remarks:

SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

** OWNERSHIP CHANGE MADE BASED UPON FORM 1409(7) AND WARRANTY
DEEDS. KKC 7-18-1995.

** OWNERSHIP CHANGED BACK TO FOREVERGREEN BASED UPON A
CONVERSATION WITH LARRY EDWARDS. THIS RIGHT AND RELATED PROPERTY
WAS NOT PART OF THE SALE. KKC 8-30-95. **

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs Decree Defendant



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

July 18, 1995

LARRY EDWARDS
BOX 126
ALMO ID 83312

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A43-00154, A43-00155,
A43-00156, AND A43-02431 CHANGE OF OWNERSHIP AND
SPLIT OF RIGHT A43-00153

Dear Mr Edwards

Enclosed are your copies of the above listed claims as changed based upon form 1409(7) and copies of the warranty deeds that specify 0.01 S.F. of 1874, DEC 31 water being retained by Mr Twitchell. Please review these claims to verify the data entry changes are correct.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

July 18, 1995

CHARLES TWITCHELL
PO BOX 464
ELBA ID 83326

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A43-00154, A43-00155,
A43-00156, AND A43-02431 CHANGE OF OWNERSHIP AND
SPLIT OF RIGHT A43-00153

Dear Mr Twitchell

Enclosed are copies of the above listed claims as changed based upon form 1409(7) and copies of the warranty deeds that specify 0.01 S.F. of 1874, DEC 31 water being retained by you. Please review these claims to verify the data entry changes and that these claims were intended to be conveyed to the new owner as split or changed.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

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: **A43-00156**
Date Received: 4/18/1989
Receipt No: S006894
Received By: _____

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

1. Name: LARRY EDWARDS 208-824-5583
Address: BOX 126
ALMO ID 83312
AND
Name: DORIS B EDWARDS 208-824-5583
Address: BOX 126
ALMO ID 83312

2. Date of Priority: APR 30, 1884

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	25E	6	NE	SW	NE		CASSIA

5. Description of diverting works:
VIA RICE-LESSY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/3 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	32	NW	SE		STOCK	
			NW	SE		IRR	3.0
					Section Acres		3.0
					Total Acres		3.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

** OWNERSHIP CHANGE MADE BASED UPON FORM 1409(7) AND WARRANTY
DEEDS. KKC 7-18-1995.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs Decree Defendant

RECEIVED

1995

Resources

If you have additional legal descriptions, please attach separate sheet.

- (Signature of former claimant(s) is not required if proof of ownership is attached.)

**Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner**

ORIGINAL
WARRANTY DEEDS
USED FOR OWNERSHIP
CHANGE ON 7-18-95
IN FILE A43-00154
KAC

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: A43-00156
Date Received: 4/18/1989
Receipt No: 5006874
Received By: 40

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FOREVERGREEN 208-638-5512
Address: P.O. BOX 464
ELBA, ID 83326

2. Date of Priority: APR 30, 1884

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	25E	6	NE	SW	NE		CASSIA

5. Description of diverting works:
VIA RICE-LESSY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/3 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	25E	32	NW	SE		IRR	3.0
			NW	SE		STOCK	

Section Acres 3.0

A43-00156

Page 1

Date: 04/18/89

MICROFILMED
MAR 02 1993

10. Place of Use: Continued

Total Acres 3.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: See Map A43-00153

For Organizations:

I do solemnly swear or affirm that I am Mgr. & Resp. Party of
Title
Forevergreen Farm, Inc., that I have signed the foregoing
Organization
document in the space below as Mgr. & Resp. Party of
Title
Forevergreen Farm, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Charles L. Tutchey
Signature of Authorized Agent
Mgr. & Resp. Party
Forevergreen Farm, Inc.
Title and Organization

4-18-89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of April 19 89

Al D. Mentz
Notary Public

Seal

Residing at Kimberly, Ida
My Commission Expires 6/30/99

09/14/2000

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

RIGHT NUMBER: 43-156

NAME AND ADDRESS: FOREVERGREEN FARM INC
PO BOX 464
ELBA, ID 83326

SOURCE: CASSIA CREEK TRIBUTARY: Raft River

QUANTITY: 0.04 CFS

VERIFIED BY *Kelly H. Christensen*
9-14-00

PRIORITY DATE: 04/30/1884

POINT OF DIVERSION: T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.04 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S32 NWSE 1.3
1.3 ACRES TOTAL

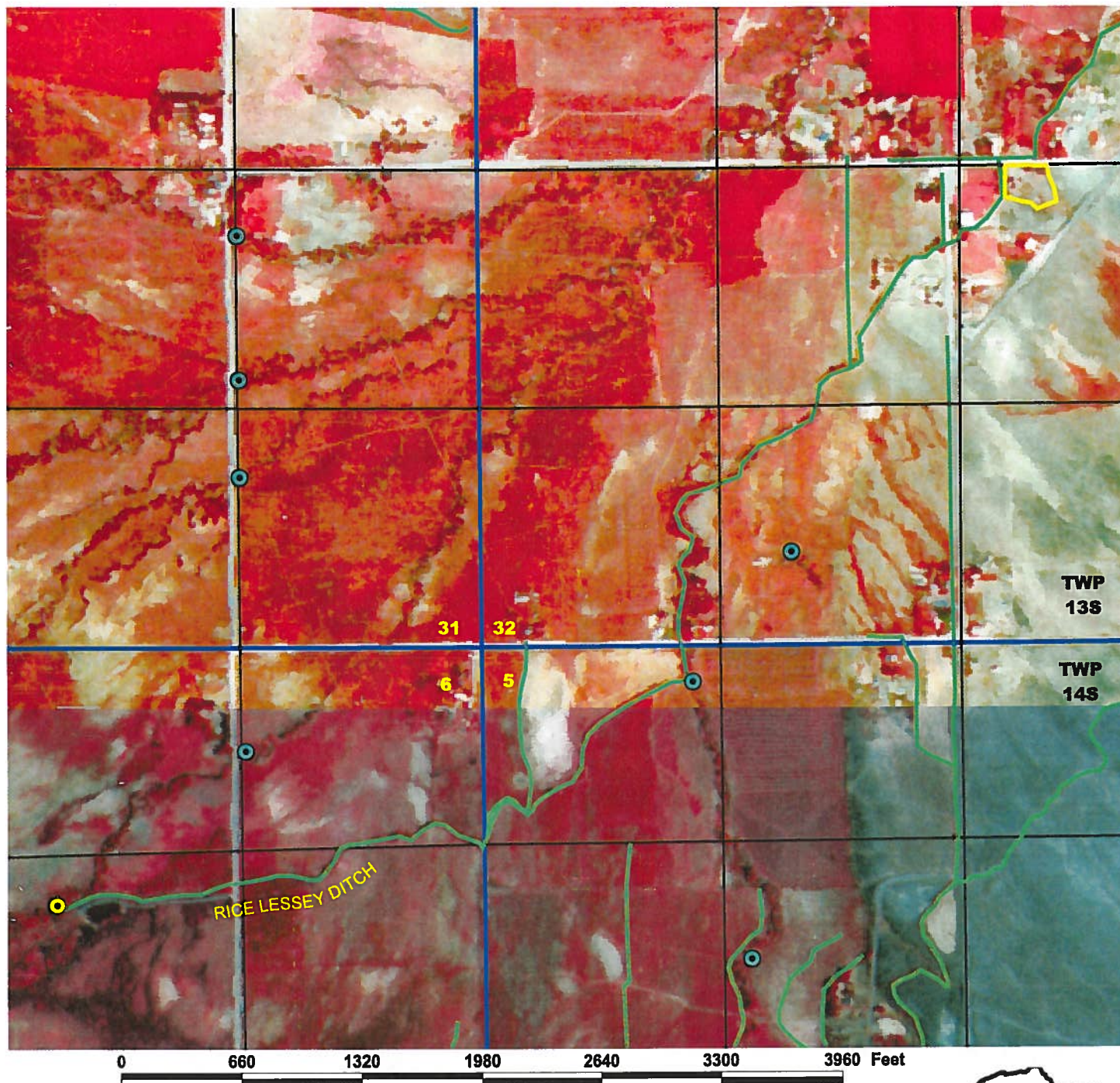
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Decreed

WATER IS DELIVERED THROUGH THE RICE LESSEY DITCH.

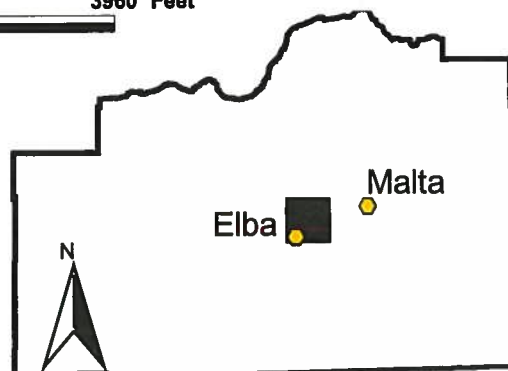
RECOMMENDED PLACE OF USE FOR 43-156



PLACE OF USE
TWP 13S, RNG 25E, SEC 32
Data entry on Sept 14, 2000

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



CLAIM NUMBER

A43-00156

DATE

9-14-00

TRANSFER NUMBER

AGENT

KRC

CLAIMED ACRE TOTAL

3

GIS ACRE TOTAL

1.3

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	25E	32														3		3
GIS																	1.3		
RECOM																	1.3		1.3
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP

SHAPE NOS.

43-DBPOD.SHP

NOS. DESCRIPTION

Sec 6

ALW SWNE Rice kessey Ditch

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

43-156 Fourwngreen

Iaho Dept of Water Resources
Claims review notes and narrative

Date: 9-14-2000

File: 43-156 forevergreen

Prepared by Kelly K Christensen

43-156 SYSTEM ANALYSIS

This right was one of four rights decreed to a common place of use. The recommended place of use for this right was described separately from the rest of the property and according to Chuck Twitchell, this right was actually only used on the claimed place of use and the rest were used on the other property. It appears to be the same case as in other combined rights in the Jobe Adams decree where there is a farmstead separate from the farm ground. I am recognizing this right on the claimed place of use separate from the other decreed rights.

Chuck indicated that the use was a garden pump in the Rice Lessey Ditch delivering water to a garden area around the old home site. The actual irrigated ground was difficult to determine as nothing was being irrigated the summer of my field examination. A majority of the property to the east of the Rice Lessey Ditch is substantially higher than the ditch and could not have been flood irrigated from the ditch. This would be consistent with what I found to likely have been irrigated. I identified 1.3 acres in arcview as irrigated. At 0.03 cfs/acre the legal limit would be 0.04 cfs or the claimed and decreed rate.

Stockwater was included as a use in this claim, however, stockwater was not part of the decreed use, therefore I am not recommending stockwater for this right.

Additional field notes and photos can be found in 43-153B

Kelly K. Christensen
KELLY K CHRISTENSEN
SR WATER RESOURCE AGENT
DATE: 9-14-00
Bar code updated

Robert Hutchinson
Martha Hutchinson

-1880-Apr. 30 149 1.2 s.f.
-1881-Apr. 30 150 .4 s.f.
-1894-Apr. 1 151 1.6 s.f.
-1905-Apr. 1 152 .8 s.f.

To be diverted from Cassia Creek for the irrigation of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ and Lots 2 and 3, Sec. 18, Twp. 13 S. R. 27 E.B.M.

David Hubbard

-1874-Dec. 31 153.2 s.f.
-1877-Apr. 30 154.4 s.f.
-1894-Apr. 1 155.28 s.f.

To be diverted from Cassia Creek for the irrigation of a tract of land described as follows:

Commencing at the NW corner of the NE $\frac{1}{4}$ of Sec. 32, Twp. 13 S. R. 25, thence East 17 $\frac{1}{2}$ rods, (281.75') thence South 160 rods, thence West 17 $\frac{1}{2}$ rods, to the legal center of said section, thence West on a continuation of said last line 29 rods, thence North 160 rods to the boundary of said section, thence East 29 rods to the place of beginning, containing 46 $\frac{1}{2}$ acres, except a tract of land described as follows: Commencing at a point 29 rods West of the legal center of Sec. 32, Twp. 13 S. R. 25, thence North 20 rods, thence at right angles East 16 rods, thence South 20 rods, thence West 16 rods to the place of beginning, containing two acres.

478.5' →

except

Annie Hubbard

-1884-Apr. 30 156.04 s.f.

To be diverted from Cassia Creek for the irrigation of a tract of land described as follows: Beginning at a point 16 rods East of the NW corner of the SE $\frac{1}{4}$ of Sec. 32, Twp. 13 S. R. 25, thence East 34 rods, thence South 22 rods, thence West 34 rods, thence North 22 rods, to the place of beginning.

Joseph R. Murd

-1881-Apr. 30 157.7 s.f.

To be diverted from Cassia Creek for the irrigation of a tract of land described as follows: Beginning 20 rods East of the SE corner of Sec. 32, Twp. 13 S. R. 25 E.B.M., thence East 60 rods, thence North 80 rods, thence West 60 rods, thence South 80 rods, to the place of beginning.

Mrs. J. S. Hutchinson

-1882-Apr. 30 158.6 s.f.
-1886-Apr. 30 159.4 s.f.
-1894-Apr. 1 160.9 s.f.

To be diverted from Cassia Creek for the irrigation of SE $\frac{1}{4}$, Sec. 1, Twp. 13 S. R. 26 E.B.M.