

02/26/2006

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

RIGHT NUMBER: 79-4003

NAME AND ADDRESS: ROBERT F CAROTHERS
RT 4
COTTONWOOD ID 38522

SOURCE: RICE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 06/01/1941

POINT OF DIVERSION:

T30N R01W S26 NESE Lot 10 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.060 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T30N R01W S26 Lot 9 SENE 2.00

2 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 - Beneficial Use

79-4003

T30N R1W Section 26



Place of Use



Point of Diversion



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: A79-04003
Date Received: 7/01/1988
Receipt No: 005063 *has*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
208-926-3000
JAN 03 1989

Bonnie
1. Name: ROBERT F. CAROTHERS
Address: RT. 4
COTTONWOOD, ID 38522

2. Date of Priority: JUN 01, 1941

Department of Water Resources

3. Source: RICE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
30N	01W	26	NW	NE	SE		IDAHO

5. Description of diverting works:
CEMENT STRUCTURE ON IRRIGATION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
30N	01W	26	NE	SE		IRR	2.0
Section Acres							2.0
Total Acres							2.0

A79-04003

Page 1

Date: 11/25/88

MICROFILMED

OCT 06 1992

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:
DOMESTIC CLAIM A79-10382

14. Remarks:
P/U LISTED AS NESE & SENE, S26, T30N, R1W.

15. Basis of Claim: STATUTORY CLAIM

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): Robert H. Carothers Date: 12-29-88

Date: _____

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of December 19 88

Shirley P. Foreman
Notary Public

Seal

Residing at Cottonwood
My Commission Expires 4-27-93

DATE RECEIVED 1-3-89

CK # 945

AMOUNT \$ 52.00

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a 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. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
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.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. If required is a consumptive use entered?	☐	☒
Is the consumptive use correct?	☐	☒
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.	☒	☐
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☒	☐
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 indicated?	☒	☐
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?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
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: RLT



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

. 12/16/88

- . ROBERT F. CAROTHERS
- . Rt 4
- . Cottonwood, ID 83522

RE: A79-04003

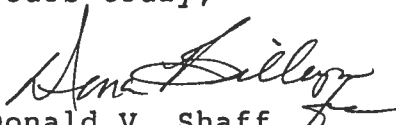
Dear Claimant:

We are returning your Notice of Claim to a Water Right filed for your property in Idaho County for the reason(s) listed below:

- ☐ Your check # _____ in the amount of \$ _____ is also being returned. Upon completion of the items on the Notice of Claim as requested, please return the filing fee.
- ☒ No filing fees were attached to the Notice of Claim. The filing fee required for this claim is \$ 52.00.
- ☐ Priority date was excluded from Notice of Claim. This date is when the water was first placed to beneficial use, by yourself or your predecessors, to the best of your knowledge.
- ☒ No signature of claimant. Notice of Claim must be signed on Item #16 by person/persons listed as Claimant on Item #1.
- ☒ No Notary Public for signature. The Notary is required on this document as this is the documentation presented in the judicial system.

Please return the documents to this office at my attention. If you will make the necessary corrections before Jan. 16, 1989, you will not be assessed a late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Yours truly,


Donald V. Shaff
Adjudication Section
Supervisor

DVS;ds
Enclosures

MICROFILMED
OCT 06 1992

Identification No.

Claim No.

Map No.

79-4003P

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Elmer Taylor
post office address Rt 4 - Cottonwood, Ida

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 26 Township 30 N
Range 1 W B.M. located on Rice Creek
(name of source)

tributary to Salmon River in Idaho County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

1941 amount: .10 c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from 1-1 to 12-31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Concrete
____; length is 30 feet; height is 3 1/2 feet;
width at bottom is 6" feet; with at top is 6" feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Water drawn from Creek prior to 1970 without a diversion dam. Dam was installed when road improvements made along Creek. Dam did not affect amount of water used.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Conveying system consists of 200' of 12" Corrugated Culvert, 190' of open ditch, 230' of 12" Culvert, 1440' of open ditch, 120' of 1 x 6 Flume, 60' of 8" Culvert, 90' of 4" Iron pipe, 220' of 1 x 6 Flume in that order. No change in amount of appropriation - No increase in size. Only change was substituting Culvert for open ditch.

- if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

- [illegible]

None