

03/09/2005

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

RIGHT NUMBER: 79-4052

NAME AND ADDRESS: TIMOTHY J CRAIG
PO BOX 119
PECK ID 83545

SOURCE: DEER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.280 CFS
14.000 AFY

PRIORITY DATE: 05/20/1971

POINT OF DIVERSION:

T27N R01E S18 NWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	1/01 12/31	14.00 AFY
STOCKWATER STORAGE	1/01 12/31	14.00 AFY
STOCKWATER	1/01 12/31	0.060 CFS
STOCKWATER FROM STORAGE	1/01 12/31	14.00 AFY
IRRIGATION	5/01 10/01	0.220 CFS
IRRIGATION FROM STORAGE	5/01 10/01	14.00 AFY

PLACE OF USE: IRRIGATION STORAGE Within IDAHO County

T27N R01E S18 NWNW

STOCKWATER STORAGE Within IDAHO County

T27N R01E S18 NWNW

STOCKWATER FROM STORAGE Within IDAHO County

T27N R01E S18 NWNW

IRRIGATION Within IDAHO County

T27N R01E S07 SWSW 2.0 T27N R01E S18 NWNW 2.0

IRRIGATION FROM STORAGE Within IDAHO County

T27N R01E S07 SWSW 2.0 T27N R01E S18 NWNW 2.0

STOCKWATER same as IRRIGATION STORAGE

10 ACRES TOTAL

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

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

WILLIAM J. DEE
Post Office Box 128
Grangeville, Idaho 83530
Phone: 208 - 983-0250

W. C. MacGREGOR, JR.
416 West Main
Grangeville, Idaho 83530
Phone: 208 - 983-1740

RECEIVED

MAY 19 1977

Department of Water Resources
Western Regional Office

Attorneys for Affiant

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

In the Matter of the Claim

OBJECTIONS AND EXCEPTIONS
TO CLAIM

to a Water Right,

of FRANKLIN W. TAYLOR, NO. 79-4052.

STATE OF IDAHO

County of Idaho

ss.

HARRY ROBINSON, being first duly sworn, upon his oath deposes
and says:

WHEREAS, your affiant is a resident and land owner in Idaho
County, Idaho, his mailing address being White Bird, Idaho 83554;
that he and his wife, ANITA ROBINSON, are owners in the community
of the following described property, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) and the Southeast
Quarter (SE $\frac{1}{4}$), Section Eight (8), Township
Twenty-seven (27) North, Range One (1), E.B.M., and

WHEREAS, a certain FRANKLIN W. TAYLOR, of Star Route, White
Bird, Idaho, did, on or about May 4, 1977, file a claim to a water
right, being NO. 79-4052, the same being on file with the Department
of Water Resources, State of Idaho, pursuant to 42-225(a), Idaho
Code, and

WHEREAS, the alleged and purported claim is for the beneficial
use of 0.28 cubic feet per second of water from Deer Creek, a

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OBJECTIONS AND EX-
CEPTIONS TO CLAIM

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1 tributary of Salmon River, with the point of diversion in the
2 Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section Seven
3 (7), Township Twenty-seven (27) North, Range One (1) E.B.M., Idaho
4 County, Idaho, and

5 WHEREAS, the water is allegedly claimed to be used from
6 January 1 to December 31 for stockwater purposes and from May 1
7 to October 1 for irrigation of 3.5 acres with a priority date of
8 May 20, 1971, and the place of use is within the Southwest Quarter
9 of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section Seven (7), and the
10 Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section
11 Eighteen (18), Township Twenty-seven (27) North, Range One (1),
12 E.B.M., and

13 WHEREAS, your affiant and his predecessors in interest have
14 since prior to 1895 appropriated to a beneficial use all the
15 water from Deer Creek and the claimed water right of Franklin W.
16 Taylor is subsequent to the recorded water right of your affiant, and

17 WHEREAS, the aforesaid water right was duly attested and
18 sworn to and noticed according to the statutes of the State of Idaho
19 by John Hadorn, and duly recorded on June 15, 1895, by the said
20 John Hadorn, a copy of which is attached hereto as Exhibit "A", and

21 WHEREAS, the water right is on the "South Fork" of Deer
22 Creek, which is now commonly known as the "East Fork" of Deer
23 Creek, and

24 WHEREAS, the property above described was owned by your
25 affiant's predecessor in interest, John Hadorn, and was in turn
26 acquired by your affiant's father, S. N. ROBINSON, in fee simple
27 in approximately 1927, and your affiant and his wife inherited the
28 said property upon the death of said S. N. Robinson some time in the
29 year 1945, and has owned the property ever since, and

30 WHEREAS, your affiant and predecessors in interest have con-
31 tinuously applied to a beneficial use of the water in Deer Creek
32

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OBJECTIONS AND EX-
CEPTIONS TO CLAIM

MAR 03 1988

1 for irrigation of approximately thirty (30) acres located on the
2 above described property,

3 NOW, THEREFORE, your affiant, for himself and his wife,
4 ANITA ROBINSON, and their successors in interest, hereby objects
5 and excepts to the claim of water right of the said FRANKLIN W.
6 TAYLOR, NO. 79-4052, for the following reasons and on the following
7 grounds:

8 1. That the recorded water right of your affiant has
9 been used continuously since prior to 1895 by your
10 affiant, his predecessors in interest, and will be
11 used by his successors in interest, and is a prior,
12 valid, legitimate and subsisting water right on all
13 the water of Deer Creek since prior to 1895.

14 2. That the said Franklin W. Taylor has never, to
15 the knowledge of your affiant or his predecessors
16 in interest, applied water to a beneficial use from
17 Deer Creek; that your affiant is informed and be-
18 lieves and upon such information and belief alleges
19 the fact to be that the only application, if any, to
20 a beneficial use, ever done by the said applicant,
21 Franklin W. Taylor, is from a small draw which is
22 tributary to Deer Creek; that, as aforesaid, your
23 affiant's water right is prior and existing to that
24 of applicant's on all the water of Deer Creek.

25 3. That the said application and published notice
26 by the applicant, Franklin W. Taylor, is deficient
27 in that it does not properly, adequately and legally
28 establish applicant's alleged and purported points of
29 diversion.

30 4. That your affiant further denies that the applicant
31 is watering or irrigating any 3.5 acres and is speci-
32 fically not watering from the waters of Deer Creek,
33 but if watering at all, it is from the aforesaid tri-
34 butary down the draw.

35 WHEREFORE, your affiant prays that these exceptions and
36 objections be filed and a copy forwarded to the purported claimant,
37 Franklin W. Taylor, pursuant to Section 42-225(b) of the Idaho Code.

38 *Harry Robinson*
39 HARRY ROBINSON

40 Subscribed and sworn to before me this 19th day of May, 1977.

41 **NOT FILMED**

42 MAR 03 1988

43 *Carol B. Montano*
44 Notary Public in and for the
45 State of Idaho; Residing at
46 *Grangeville*, therein,

47 Page Three
48 OBJECTIONS AND EX-
49 CEPTIONS TO CLAIM

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: A79-04052
Date Received: 7/26/1988
Receipt No: 1000597
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIM CRAIG 208-486-6232
Address: P.O. BOX 119
PECK, ID 83545

2. Date of Priority: MAY 20, 1971

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
27N	01E	18	NW	NW			IDAHO

5. Description of diverting works:
GRAVITY FED DITCH TO POND WITH PUMP FOR IRRIGATION AND STOCK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.220		
STOCKWATER	01/01	12/31	0.060		
STOCKWATER STORAGE	01/01	12/31			14.00
STOCKWATER FROM STORAGE	01/01	12/31			14.00
IRRIGATION STORAGE	01/01	12/31			14.00
IRRIGATION FROM STORAGE	05/01	10/01			14.00

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) 14.00 A.F.A.

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 HD STOCK.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
27N	01E	7	SW		SW		IRR	2.0
			SW		SW		IRR FS	2.0
			Section Acres					4.0
		18	NW		NW		IRR	2.0
			NW		NW		STO FS	
			NW		NW		IRR FS	2.0
			NW		NW		STOC S	
			NW		NW		IRR S	2.0
			Section Acres					6.0
			Total Acres					10.0

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:

AC. IRR.=3.5.
DIV. RATE=100 GPM IRR. & 125 GPM TOTAL.
WATER WILL BE DIVERTED FROM DEER CREEK INTO A 14 ACRE FOOT POND
WHERE A PUMP WILL PUMP WATER TO ACREAGE AND STOCK WILL DRINK FROM
POND. WATER WILL ALSO BE DIVERTED FROM THE CREEK DIRECTLY ON
OCCASION.

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): *[Signature]* Date: 7-26-88

Date: _____

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of *[Signature]* 19 88

[Signature]
Notary Public

Seal

Residing at Bon Id

My Commission Expires 6/2/94

A79-10218
A79-10216
A79-04052

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FEB 09 1990

November 18, 1988

Department of Water Resources
Western Regional Office

Tim Craig
Box 119
Peck, ID 83545

RE: Snake River Basin Adjudication Claims

Dear Claimant:

We are returning your 3 claims to water rights within the Snake River Basin Adjudication along with 2 checks no.'s 92-155 for the amount of \$143.00.

The claim that is based on filing no. 85-07261 will not be required to filed on at this time. A Snake River Basin Adjudication Claim is not necessary because you have not yet filed a Proof of Beneficial Use to perfect your current filing.

In reference to the claim with a spring as the source with a 1981 priority date, A state law became effective on May 20, 1971 which required people to file an Application for Permit to appropriate surface water for filing water rights. If your priority date is in fact after May 20, 1971 and the basis of your claim is beneficial use, you may file the claim if you wish but, the claim will more than likely be disallowed during the review process. To insure that you have a filing of an acceptable type you may contact this office to receive the Application for Permit forms.

The definition of a PRIORITY DATE for a water right based on beneficial use is the date that the source was first used for the purpose which you are applying for regardless of ownership. If you have put the original priority date in error, please initial any changes that you make.

With regards to the irrigation claim with spring sources, you may file this claim as is if the two houses listed are under single family ownership, please describe further. The filing fee for this claim includes a \$50.00 flat fee plus, \$2.00 storage fee calculated from 14 acre feet of storage plus, \$1.00 per irrigated acre of land calculated from 30 acres of irrigated land plus, \$100.00 per c.f.s. for the 0.04 c.f.s. for domestic use. The total filing fee is \$86.00 for this claim.

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After everything is in order please send the claim(s) back to this office with the proper filing fee within 30 days of the date on this letter to avoid any late charges.

If I can be of further assistance please feel free to contact me at this office.

Thank you,

Allen Beardslee
Sr. Water Resource Agent

Enc. - claim/check

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OCT 06 1992