

79-4062, 79-4063 & 79-4113

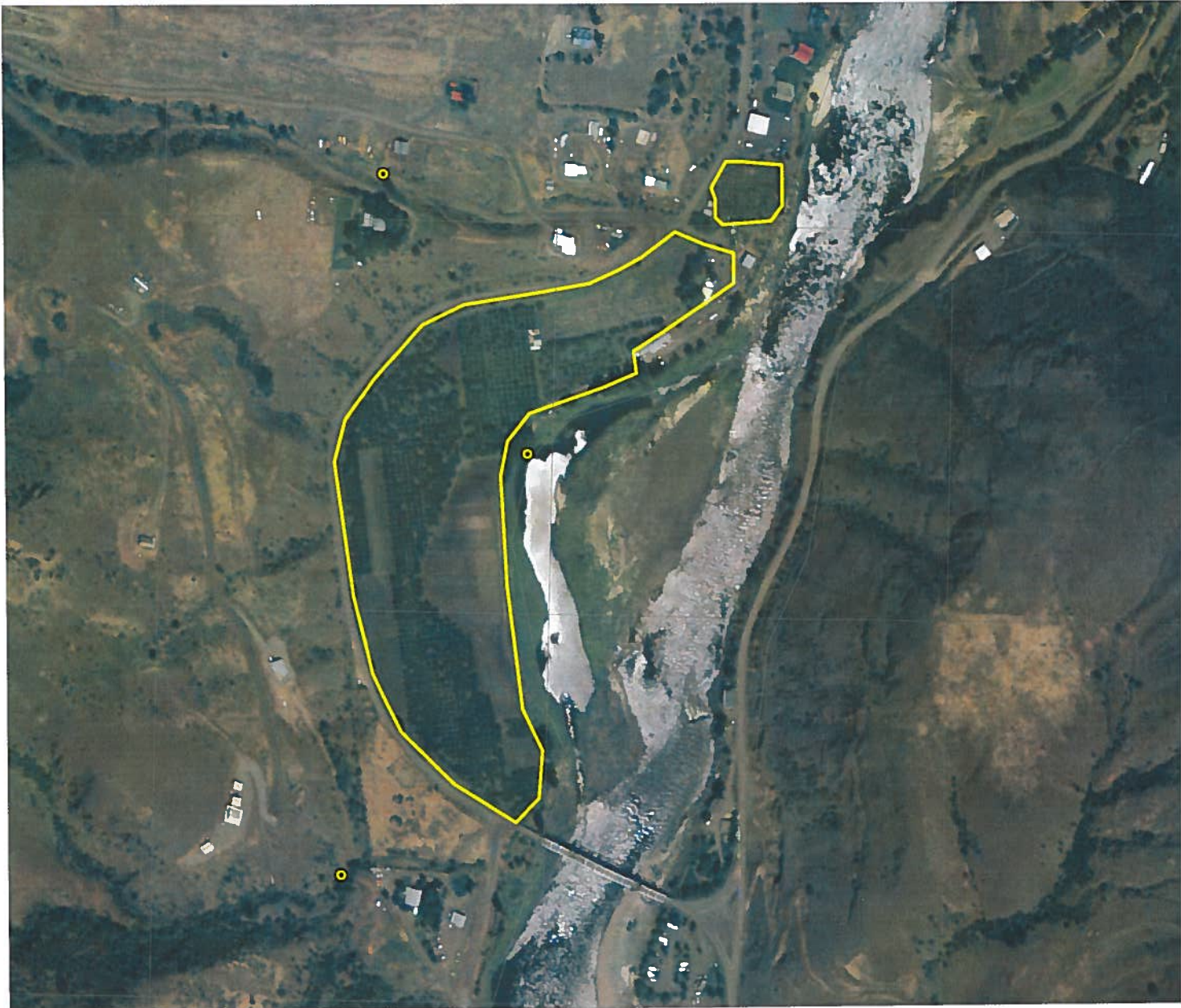
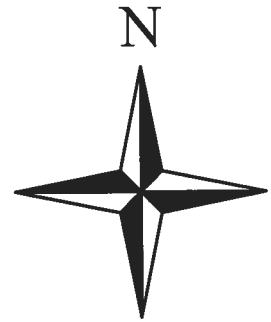
T28N R1E Section 21 & 22



Place of Use



Point of Diversion



11/30/2005

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

RIGHT NUMBER: 79-4062

NAME AND ADDRESS: JAMES J KILLGORE
BOX 118
WHITE BIRD ID 83554

JOSEPHINE KILLGORE
BOX 118
WHITE BIRD ID 83554

SOURCE: SCOTT CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.250 CFS

The rights listed below are limited to a total combined diversion rate of 0.30 cfs.

Combined Right Nos.: 79-4062, 79-4063 and 79-4113

PRIORITY DATE: 03/01/1904

POINT OF DIVERSION:

T28N R01E S21 SESE Lot 2 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.250 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T28N R01E S21 Lot 1 NESE	13.0	T28N R01E S21 Lot 2 SESE	6.5
T28N R01E S22 Lot 4 SWNW	1.0	T28N R01E S22 Lot 4 NWSW	4.2

24.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 24.7 acres in a single irrigation season. Combined Right Nos.: 79-4062, 79-4063 and 79-4113.

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

79-4062

Field Exam Notes

Date of Exam: July 20, 2005

The point of diversion (POD) is on Scott Creek, tributary to the Salmon River. It has a GPS location of **N45° 44' 39"** by **W116° 19' 46.5"**. The diversion consists of a sheet of plastic covering a rock dam in the creek with a screened five inch (5") aluminum intake pipe situated in the dam and extending down the creek bed (*Photo 1*). The creek and pipe then cross the road a short distance from the POD. The pipe then continues down and away from the creek where it connects with the rest of the system at the southern end of the place of use (POU).

There are two (2) other claims that have the same POU as this claim. They are **79-4113** (Gregory Creek) and **79-4063** (Salmon River). All three claims are owned by Mr. Killgore and his wife. The field exams for all three claims were conducted on the same day. Each of these claims has separate POD's and all three of these claims have the same POU. Although water from each of these sources enters the system at different places, the entire system is interconnected at the POU and each source can be used to separately irrigate the entire POU. Most of the irrigation is done using sprinklers although some flood irrigation is used depending upon the crop being irrigated.

Flow measurements were taken directly from sprinklers at three (3) different locations or sprinkler sets using a five (5) gallon bucket and a stop watch. Every sprinkler was measured except for those in the Melon field where every second sprinkler was measured. For the measurements taken at the corn field, the timed measurements are given for ten (10) gallons. The timed measurements for the other two are given for five (5) gallons. Gregory Creek (79-4113) and Scott Creek (this claim) were almost dry on the day of the exam. Therefore, the bulk of the water measured represents water that was pumped out of the Salmon River (79-4063). Those measurements are recorded below.

<u>Corn</u>		
Sprinkler	Time Sec./10 Gal.	gpm
1	127	4.7244
2	79	7.5949
2A	300	2.0000
3	132	4.5455
4	88	6.8182
5	85	<u>7.0588</u>

Total *gpm* **32.7418**

<u>Pumpkins</u>		
Sprinkler	Time Sec./5 Gal.	gpm
1	81	3.7037
2	80	3.7500
3	87	3.4483
4	87	3.4483
5	77	3.8961
6	95	3.1579
7	94	3.1915
8	94	3.1915
9	92	3.2609
10	96	3.1250
11	94	3.1915
12	96	3.1250
13	92	3.2609
14	91	<u>3.2967</u>

Total *gpm* **47.0472**

<u>Melons</u>		
Sprinkler	Time Sec./5 Gal.	gpm
1	89	3.3708
3	91	3.2967
5	89	3.3708
7	87	3.4483
9	72	4.1667
11	86	3.4884
13	87	3.4483
15	91	<u>3.2967</u>

Total *gpm* **27.8866**

Total *gpm* for Melon field is given by:

$$15 \left(\frac{27.8866}{8} \right) = 52.2874 \text{ gpm}$$

Note: There was also a lawn sprinkler on the system and a line with nine weep holes that was estimated as having a total output that was about equal to one sprinkler. Assuming 3.3 *gpm* (90sec./ 5gal) for each of these flows, the total flow for the system on the day of the exam is given by:

$$\frac{(32.7418 + 47.0472 + 52.2874 + 6.6)gpm}{448.83cfs / gpm} \approx 0.30897 cfs \approx \mathbf{0.30 cfs}$$

Mr. Killgore stated that he uses the water from Scott Creek (this claim) and Gregory Creek (79-4113) early in the year while the creek levels are high because of the cost of electricity. He also refrains from using water out of the Salmon River (79-4063) early in the year to avoid clogging and damage to the diversion works at that point due to debris floating down the Salmon River.

The field exam revealed that the legal location for the POU includes **NESE, Sec. 22**, Rge, 01E, Twp. 28N, BM., and **NWSW, SWNW Sec. 22** of the same range and township in addition to SESE, Sec. 21, Rge, 01E, Twp. 28N, BM. as given on the claim.

A conversation with Mr. Killgore and a search of the Idaho Department of Water Resources (IDWR) public web site revealed that there are no other water rights that have the same POD as this claim. However, this claim has a common POU with water rights **79-4113** and **79-4063** as indicated above.

Field Examiner:



Contacts Data Entry Form

Claim Number: 79-4062

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JAMES J KILLGORE	BOX 118	WHITE BIRD	ID	83554	(208)839-2442
Current Owner	JOSEPHINE KILLGORE	BOX 118	WHITE BIRD	ID	83554	(208)839-2442

Date of Field Exam: July 20, 2005 Time: NoonAccompanied By: James Killgore Phone Number: 839-2442Relationship to Claimant: co-claimant

Directions to Property (if different from above) and/or update owner information:

About 1/4 mile South of Hoots, Take right & follow
road across bridge. look for "Fruit" sign 73

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Cialm Number 79-4062

Claimed Priority Date: 3/1/1904

Claimed Basis: Beneficial Use

☐ Use Claimed Priority Date and Basis as Recommended Priorlty Date and Basls

Water Right Priority Date: 1/1/1904

Water Right Basis: Statutory Claim

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer:

Date:

Place Of Use Data Entry Form

Claim Number 79-4062

Claimed Place Of Use

T28N R01E S21

SESE

10.0

Total Acres 10

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T28N R01E S21

SESE

10.0

Total Acres 10

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
28N	1E	21	NE	SE	Idaho			Irrigation
"	"	21	SE	SE	"			"
"	"	22	NW	SW	"			"
"	"	22	SW	NW	"			"

Total Acres _____

Document how the POU was verified:

On Site Exam / James Killgore outlining POU on aerial photo
USGS 7 1/2 min Topographical Map (Slate Creek, 1995) C/Z

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 79-4062

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

 Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Irrigation				

Document how the Purpose of Use was verified:

On site Exam / Conversation with co-claimant, James Killgore

73

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 79-4062

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.25	

Overall Diversion Rate 0.25 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	10/31	0.25	

Overall Diversion Rate 0.25 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

~~79-4063~~

49-4113

POD (This claim)

POD
CROSS
ROAD

PIPE

PIPE

PIPE

POD (79-4063)

NESE
WSE

SESE
SESE

(79-4062)

POD

POD
CROSS
ROAD

21

28

22

~~79-4063~~

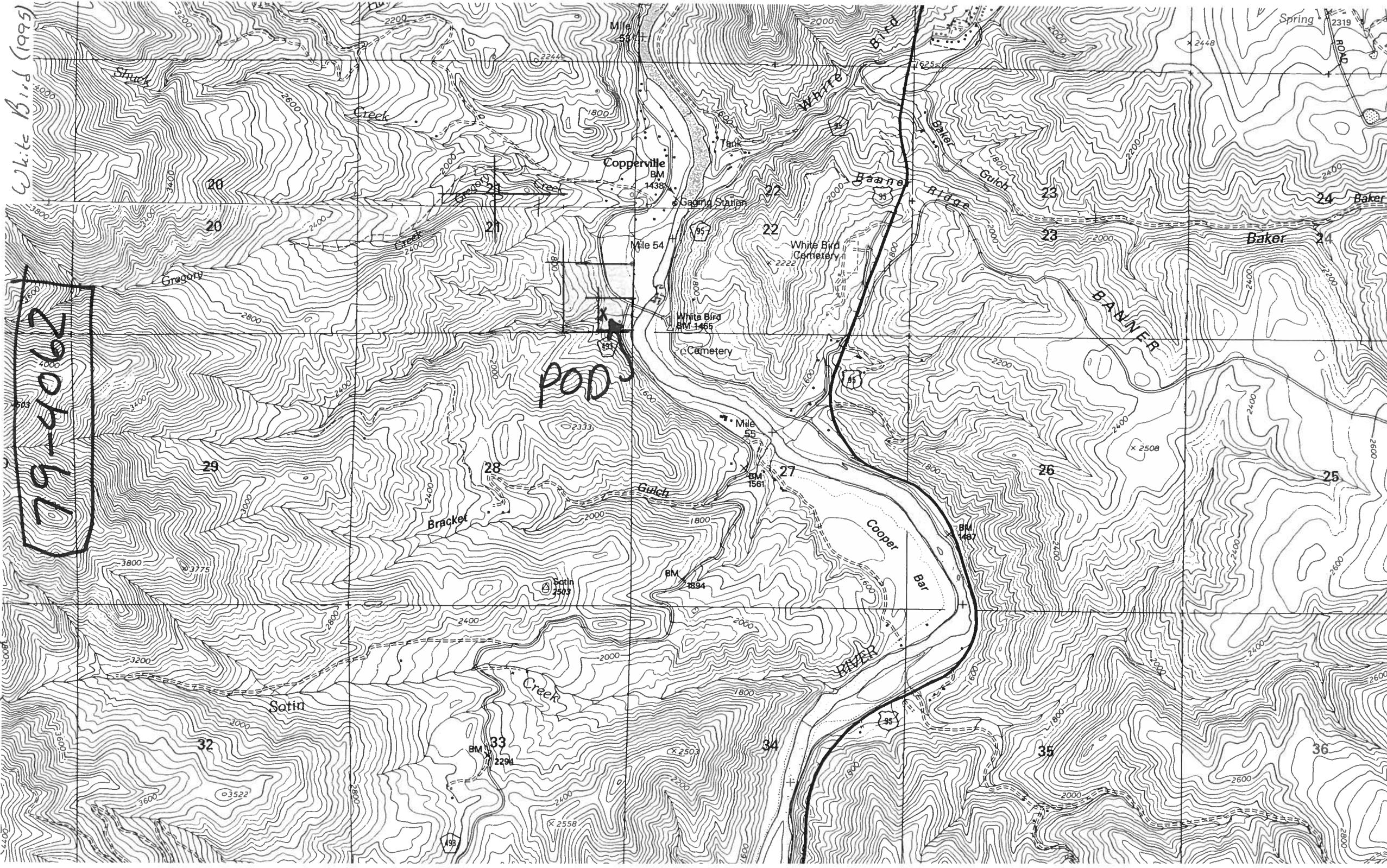
21 22 79-4113

79-4062

Slate Creek (1995)

79-4062

White Bird (1995)



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: A79-04062

Date Received: 6/10/1988

Receipt No: C001306

Received By: Entered by J.L.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES J. KILLGORE 208-839-2442
Address: BOX 118
WHITEBIRD, ID 83554

OR

Name: JOSEPHINE KILLGORE 208-839-2442
Address: BOX 118
WHITEBIRD, ID 83554

2. Date of Priority: MAR 01, 1904

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
28N	01E	21	SE	SE	SE		IDAHO

5. Description of diverting works:
DIVERSION AND DITCH AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.250		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A79-04062

Page 1

Date: 08/01/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	21	SE	SE		IRR	10.0
Section Acres							10.0
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:

RIGHT CLAIMED FROM GREGORY CREEK FOR IRRIGATION

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 39356

Ident. Number A79-04062Date Received 06-10-88Receipt Number C001306

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 10 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) JAMES J. & JOSEPHINE KAGOR Phone (808) 839-2442Mailing Address WHITE BIRD, ID Box 118 Zip 835542. Date of Priority (Only one (1) per claim) MAR 1, 19043. Source of water supply (a) SCOTT CREEK
which is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township 28N Range 1E Section 21,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of IDAHO

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.DIVERSION & DITCH & FLOOD IRRIGATION

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Copies: White-State, Yellow-Claimant

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 8/13 to 11/15 amount .25 Cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 Cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>28N</u>	<u>1E</u>	<u>21</u>																<u>10</u>	<u>10</u>

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? IDAHO

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
RIGHT CLAIMED FROM GREGORY CREEK FOR IRRIGATION or None ()

14. Remarks:

Last Name KINCORE Ident No. 879-04062

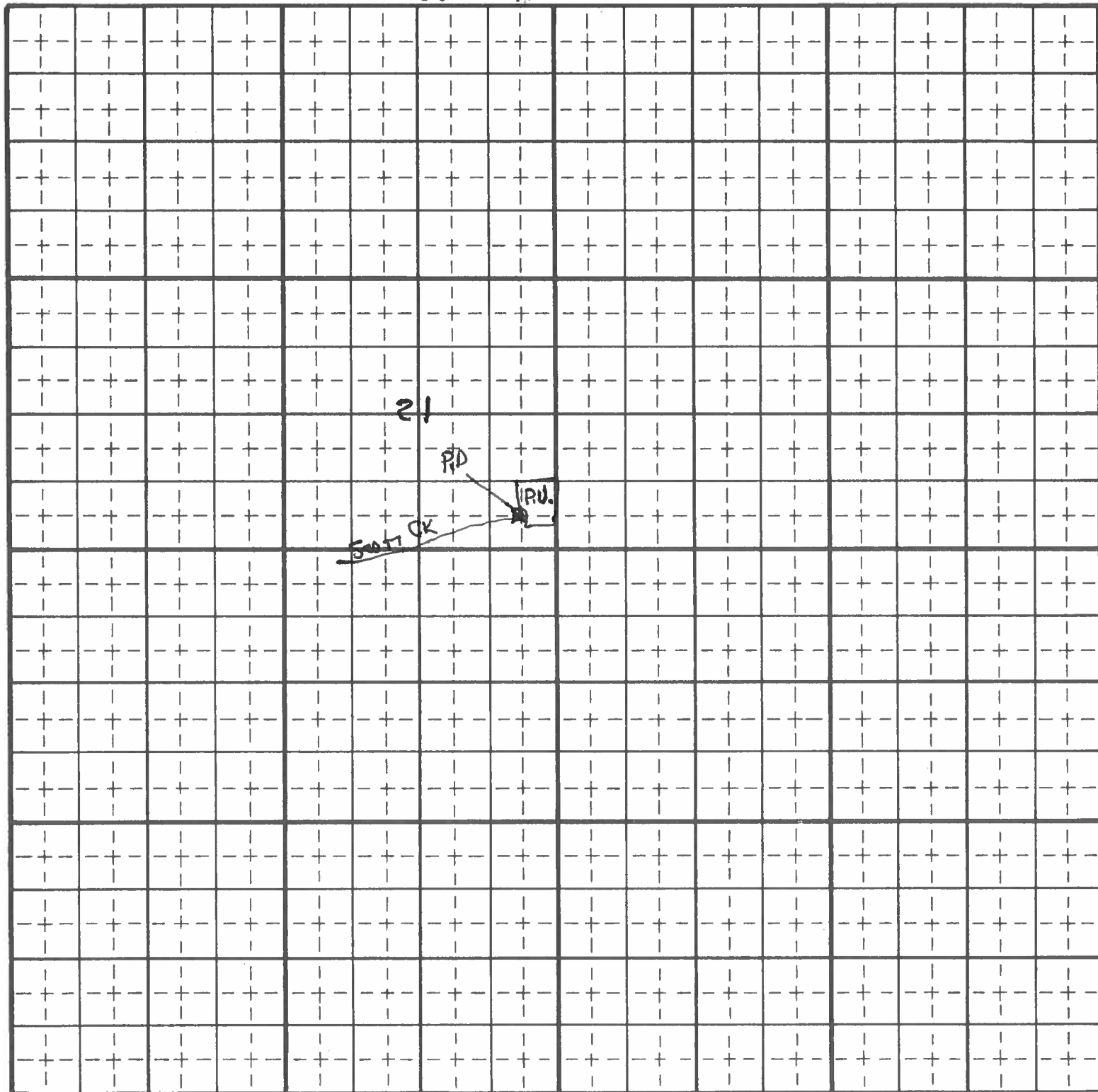
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T28N R1E



Last Name KINGORE

Ident No. A79-04062

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15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 79-4062

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X James J. Killgore Date 6-8-88

Josephine H. Killgore Date 6-8-88

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 8th day of June 19 88

SEAL

Notary Public Therese S. Hallen

Residing at Ortonwood Idaho

My Commission Expires 01/01/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Killgore Ident. Number A79-04062

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Copies White-State, Yellow-Claimant

OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

(Name of Claimant)

Whitebird, ID

(Mailing Address)

Telephone No. 839-2442

claims a right to the diversion and beneficial

d water. Th

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as

follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1904

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

tributary to Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity	Use	Period of Use	From	To
.25 cfs	Irrigation		5/1	10/31

Quantity	Use	Period of Use From	To

Quantity	Use	Period of Use From	To

	Period of Use From _____ To _____
Quantity _____	Use _____

Quantity	Use	Period of Use From	To

(4) .25 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21 Twp. 28N Rge. 1E B.M., County of Idaho

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. diversion dam with gravity ditch

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

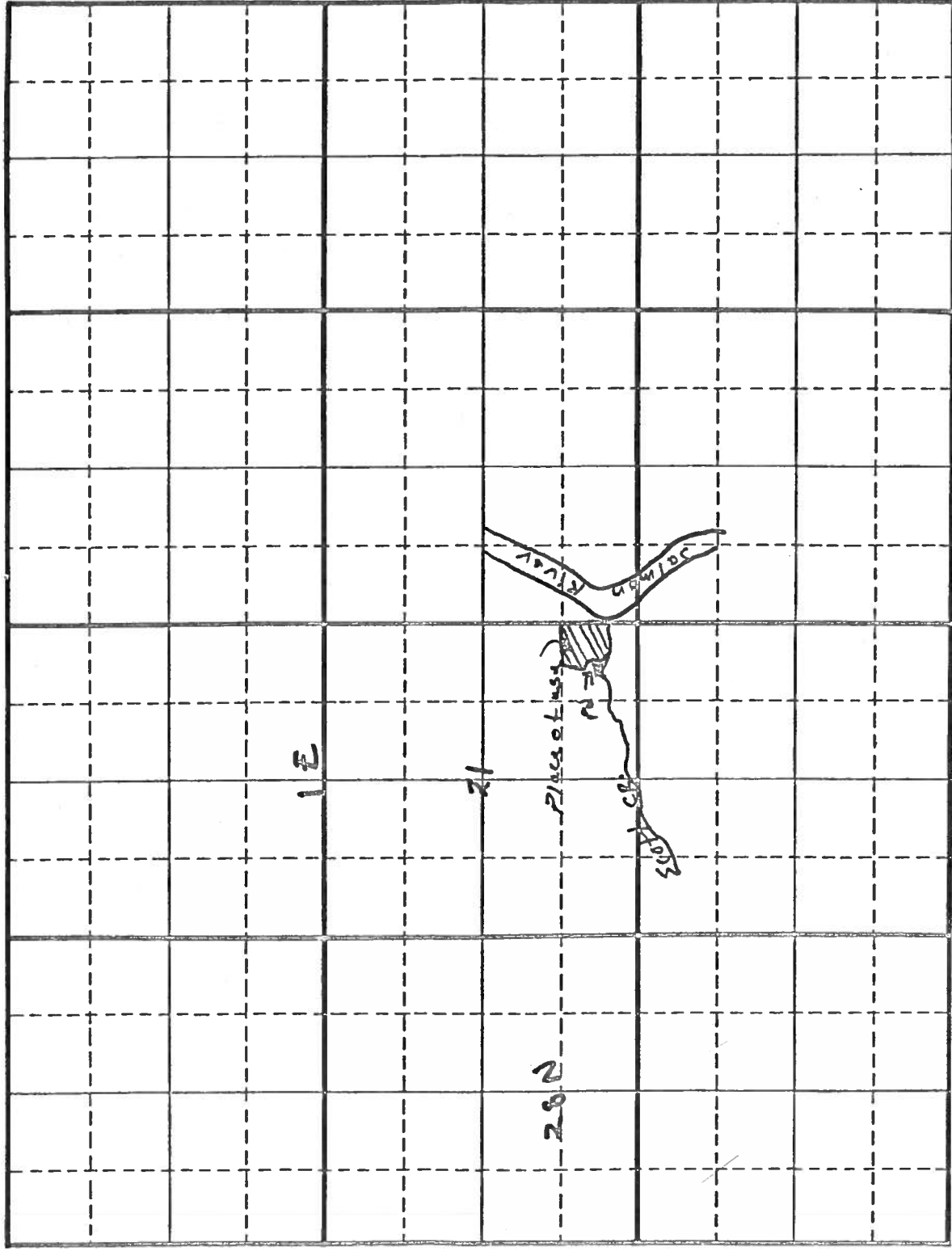
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B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Idaho) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 14 day of June

James J. Kilgore
(Claimant)
19 79.

Kathryn A. Walker
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY

Received by EEB Date 6/14/79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by 665 Date _____
\$20.00 fee received by EW Date 6/14/79 # 0037 # 13/68 claimant by: _____
Published in Idaho County Free Press
Dates 6/27 & 7/4/79 7/25/81/79