

12/01/2005

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

RIGHT NUMBER: 79-4113

NAME AND ADDRESS: JOSEPHINE KILLGORE
BOX 118
WHITE BIRD ID 83554

JAMES KILLGORE
BOX 118
WHITE BIRD ID 83554

SOURCE: GREGORY CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.300 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: 12/14/1893

POINT OF DIVERSION:

T28N R01E S21 SENE Within IDAHO County
T28N R01E S21 SENE 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	0.300 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

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

Contacts Data Entry Form

Claim Number: 79-4113

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

Date of Field Exam: July 20, 2005 Time: NoonAccompanied By: James Killgore Phone Number: 208-839-2442Relationship to Claimant: Co-Claimant

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

About 1/4 mile past Hooks, take Right / Follow Rd across
bridge. look for "Fruit" sign. CJ

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number 79-4113

Claimed Priority Date: 12/14/1893

Claimed Basis: Beneficial Use

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

Water Right Priority Date: 12/14/1893

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:

Point of Diversion and Source Data Entry Form

Claim Number 79-4113

Claimed Point of Diversion and Source

T28N R01E S21 NENESE Within IDAHO County Source: GREGORY CREEK SALMON RIVER

T28N R01E S22 NWNWSW Within IDAHO County Source: GREGORY CREEK SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T28N R01E S21 SENE Within IDAHO County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

<u>Gregory Creek</u>	<u>Salmon River</u>
<u>Gregory Creek</u>	<u>Salmon River</u>

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
28N	1E	21		SESE NE	Idaho	Gregory Creek
28N	1E	21		SESE NE	Idaho	Gregory Creek

Other rights from this POD? None

Document how the POD and Source were verified:

On site exam / Conversation with Mr. Killgore (co-claimant)GPS Location $N 45^{\circ} 45' 2.8''$ by $W 116^{\circ} 19' 45.4''$ USGS Topographical Maps (White Bird 1995) & (Slate Creek 1995)Photo Good

Note: GPS location of upper POD is very close to the line between ~~NWSE~~ & NWSE & SENE (See map). I believe that both POD's are actually in SESENE of Sec. 21 by comparison of USGS, Photo, good, & GPS.

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number 79-4113

Claimed Place Of Use

T28N R01E S21 NESE 15.0 ✓ T28N R01E S21 SESE 10.0 ✓
 T28N R01E S22 NWSW 5.0 ✓

(22) SW NW Total Acres 30

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T28N R01E S21 NESE 15.0 T28N R01E S21 SESE 10.0
 T28N R01E S22 NWSW 5.0

Total Acres 30

Recommended Place of Use

☐ See corrections to claimed POU above

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

Total Acres _____

Document how the POU was verified:

On site Exam / Mr. Killgore outlining on aerial photo /
 USGS Topographical Maps. Slate Creek (1995) & White Bird (1995)

C/3

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 79-4113

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.

[Signature]

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 79-4113

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.9	

Overall Diversion Rate 0.9

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	3/15	11/15	1	

Overall Diversion Rate 1

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: _____

79-4113

Field Exam Notes

Date of Exam: July 20, 2005

There are two points of diversion for this claim. They are both on Gregory Creek, tributary to the Salmon River. The GPS location of the upper point of diversion (POD) is **N45° 45' 2.8"** by **W116° 19' 45.4"**. This diversion consists of a sheet of plastic covering a rock dam in Gregory Creek with a screened six inch (6") intake pipe in the bank of the creek (*Photo 1*). From this POD, the buried pipe goes to a bubbler (*Photo 2*) that is located about 75 feet down stream from the upper POD. From there, water is conveyed to the place of use (POU) through a buried pipe running roughly parallel to Gregory Creek.

The lower diversion is located about 100 feet down stream from the upper diversion and consists of a five inch (5") aluminum pipe that is placed in Gregory Creek parallel to the stream flow (*Photo 3*). This pipe was not in place on the day of the exam. From the POD, the line runs parallel to and sometimes is located in the creek until it joins the rest of the system at the POU.

James Killgore, co-claimant, stated that there are two POD's on Gregory Creek because they were once on separate systems. One was pressurized to run sprinklers and the other consisted of a ditch. Currently, however, they both go into the same system at the POU and are used to irrigate the same land.

There are two (2) other claims that have the same POU as this claim. They are **79-4062** (Scott 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 (this claim) and Scott Creek (79-4062) 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:

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

The legal location of the POD's is given on this claim as **NENESE, Sec. 21, Rge. 01E, Twp. 28N, BM.** and **NWNWSW, Sec. 22, Rge. 01E, Twp. 28 N, BM.** A comparison of the GPS location taken on the day of the exam, USGS 7½ min. topographical maps (Slate Creek, 1995 and White Bird, 1995) and the Photo-quad map in the file, indicate that both POD's are in **SESENE, Sec. 21, Rge. 01E, Twp. 28N, BM.**

The field exam revealed that the legal location for the POU includes **SWNW, Sec. 22, Rge, 01E, Twp. 28N, BM.** in addition to the location given on the claim.

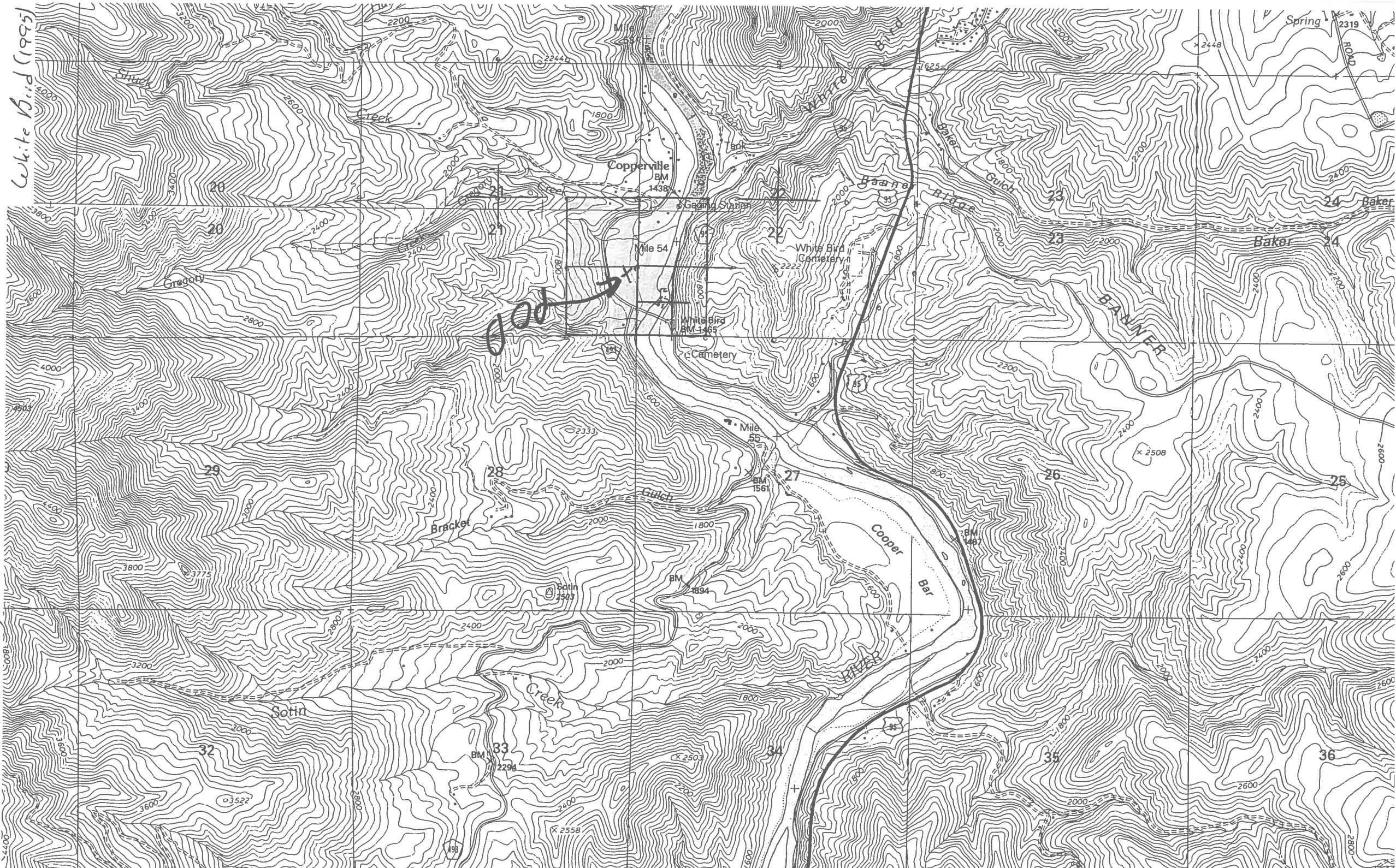
A conversation with Mr. Killgore and a search of the Idaho Department of Water Resources (IDWR) public web site revealed that there are no other water rights that have the same POD as this claim. However, this claim has a common POU with water rights **79-4062** and **79-4063** as indicated above.

Field Examiner:



White Bird (1995)

Slate Creek (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: A79-04113
Date Received: 6/10/1988
Receipt No: C001306
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES KILLGORE 208-839-2442
Address: BOX 118
WHITE BIRD, ID 83554
OR
Name: JOSEPHINE KILLGORE 208-839-2442
Address: BOX 118
WHITE BIRD, ID 83554

2. Date of Priority: DEC 14, 1893

3. Source: GREGORY 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	NE	NE	SE		IDAHO
		22	NW	NW	SW		IDAHO

5. Description of diverting works:
PIPELINE IN CREEK TO FILTER 6" STEEL PIPE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.900		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A79-04113

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	NE		SE ✓		IRR	15.0
			SE		SE ✓		IRR	10.0
							Section Acres	25.0
		22	NW		SW ✓		IRR	5.0
							Section Acres	5.0
							Total Acres	30.0

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 FROM SCOTT CREEK CLAIMED 79-4062

14. Remarks:

THIS RIGHT ORIGINALLY CLAIMED WITH SHUCK CREEK AS SOURCE.
GRAVELLY SOIL REQUIRES ADDITIONAL WATER.

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 _____

CA

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 179-04113Date 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 KILLGORE Phone (208) 839-2442Mailing Address WHITE BIRD, ID Box 118 Zip 835542. Date of Priority (Only one (1) per claim) Dec 14, 18933. Source of water supply (a) GREGORY CREEK
which is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township T20N Range 1E Section 21,
NE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of IDAHOAdditional points of diversion if any: NW NW SW, Sec 22, T20N, R1E

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.PIPE LINE IN CREEK TO FILTER. 6" STEEL PIPE TO PLACE OF USEMICROFILMED
Copies: White-State, Yellow-Claimant

OCT 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 9/15 to 11/15 amount .90 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) .90 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28N	1E	21													15			10	25
28N	1E	22									5								5

Total number of acres irrigated 30

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 FROM SCOTT CREEK CLAIMED 79-4062 or None ()

14. Remarks: THIS RIGHT ORIGINALLY CLAIMED WITH SHUCK CREEK
AS SOURCE. GRAVELLY SOIL REQUIRES ADDITIONAL WATER.

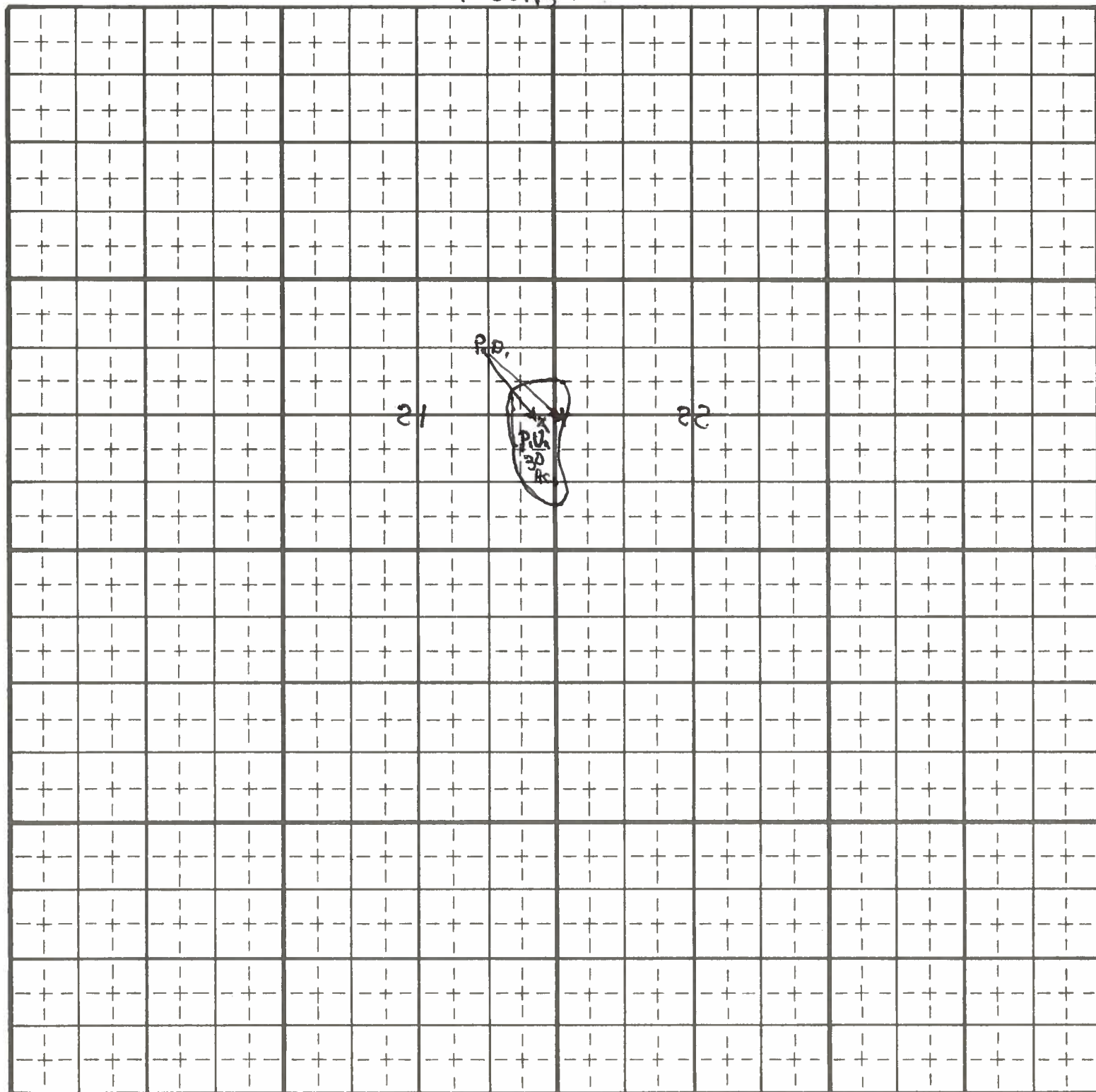
Last Name KILLGORE Ident No. A 79-04113

MICROFILMED
Copies of this Survey are available to the Claimant

OCT 06 1992

Scale: 2 inches equals 1 mile

T 28N, R1E



Ident No A 29-04113

MICROFILMED
Copies: White State, Yellow-Claimant
OCT 06 1992

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

Decree _____

If applicable provide IDWR Water Right Number 79-4113

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) 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 Vernon B. Hallock

Residing at Cottonwood, 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 _____

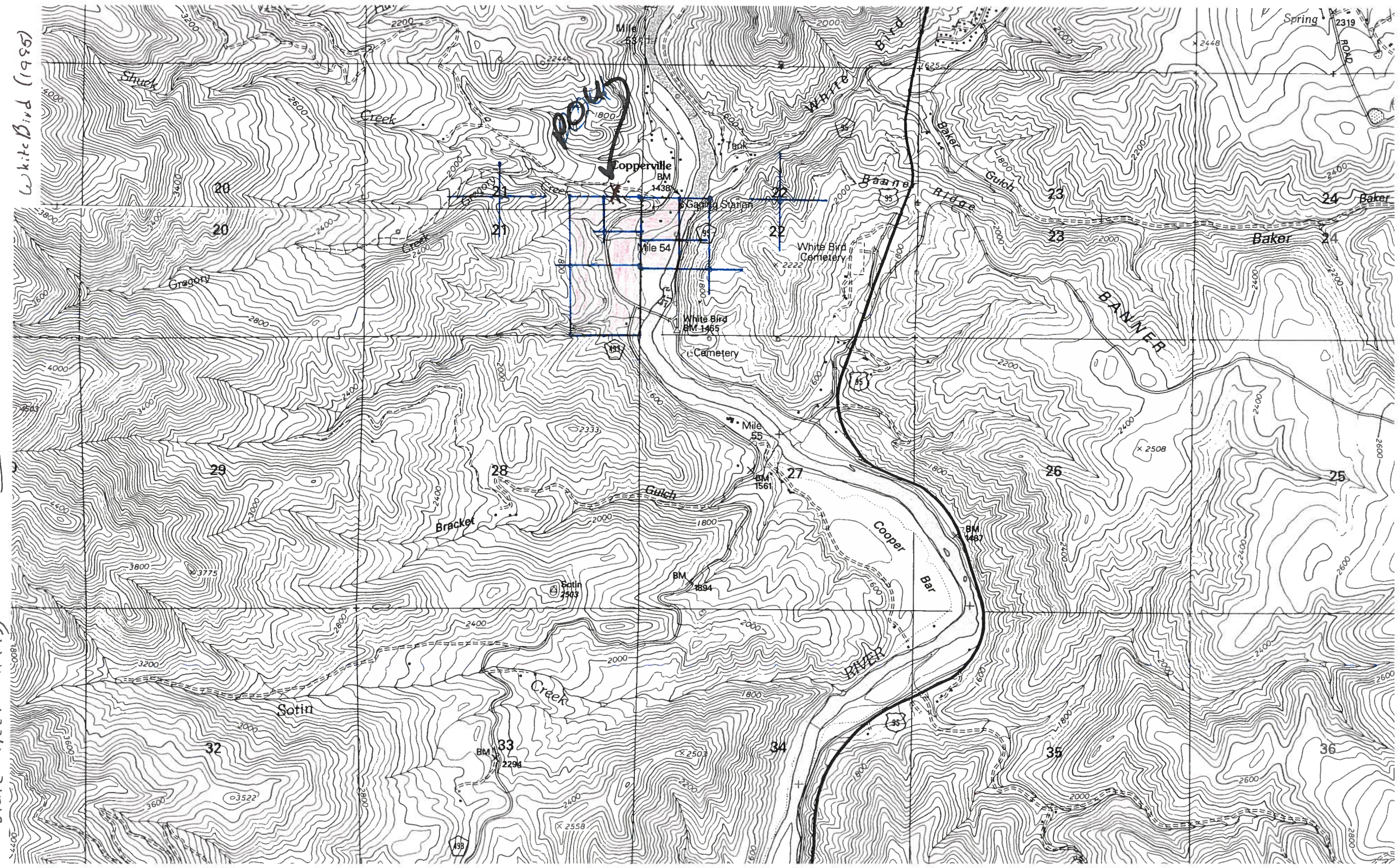
Last Name KILLGORE Ident. Number A79-04113

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Copies White State, Yellow Claimant

79-4113

Slate Creek (1995)



White Bird (1955)