

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 79-14203 V1

WATER RIGHT NUMBER: 79-14203 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RACHEL A RUPP HC 01 BOX 1 LUCILE, ID 83542 (208)628-3712
Current Owner	JIM RUPP HC 01 BOX 1 LUCILE, ID 83542 (208)628-3712

Priority Date: 07/17/1911

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
CARVER CREEK	SALMON RIVER
SPRING	CARVER CREEK
SPRING	UNNAMED STREAM
UNNAMED STREAM	CARVER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4NE1/4	Sec. 13, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
CARVER CREEK	SW1/4NW1/4	Sec. 13, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
SPRING	NE1/4SW1/4	Sec. 13, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
UNNAMED STREAM	L5 (NE1/4SE1/4)	Sec. 14, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	01E	13			X				X	X	X	X							
25N	01E	14													X				
															L 5				

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Conditions of Approval:

1. D10 Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 79-10064, AND 79-4089.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. X02 Stockwater use is for 100 head cattle
5. BASIN WIDE ISSUE #12, MAXIMUM DIVERSION RATE FOR IN-STREAM STOCKWATER = 0.02 CFS.
6. C18 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.

Remarks:

Comments:

1. shemenway 12/18/2007 EVIDENCE OF PRIORITY
Comment: HOMESTEAD PATENT NUMBER 217375 GIVEN ON 7/17/1911, AND RECORDED ON 5/20/1912, FOR T25N R1E SEC. 13 SWNW AND NWSW, AND SEC. 14 LOTS 4 & 5.
2. shemenway 12/18/2007 AMENDED CLAIM
Comment: CONTACTED CLAIMANT VIA PHONE, HE SAID THIS IS IN-STREAM STOCKWATER, AND IT SHOULD INCLUDE OTHER QQs, AND OTHER POD THAT IS A SPRING AT THE HEAD OF AN UNNAMED STREAM. MAILED AN AMENDED REC REPORT SHOWING CHANGES, FOR CLAIMANT TO REVIEW, SIGN AND RETURN.
3. shemenway 12/18/2007 SENIOR WRS
Comment: WRS THAT HAVE ALREADY FILED ON CARVER CREEK ARE: 79-10064 (PRIORITY DATE 1877), AND 79-4089 (PRIORITY DATE 1905).
4. shemenway 12/18/2007 CFS
Comment: NO MEASUREMENT REQUIRED DUE TO BASIN WIDE ISSUE #12, MAX DIVERSION RATE FOR IN-STREAM STOCKWATER IS 0.02 CFS.

Water Supply Bank:



Idaho Department of Water Resources

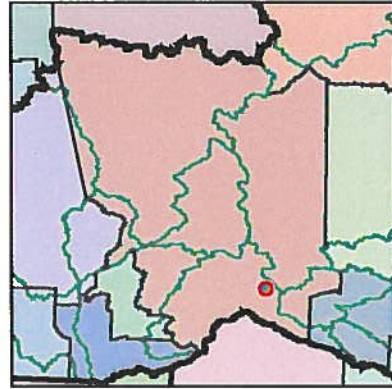
SRBA Recommendation:

79-14203

(Stockwater)

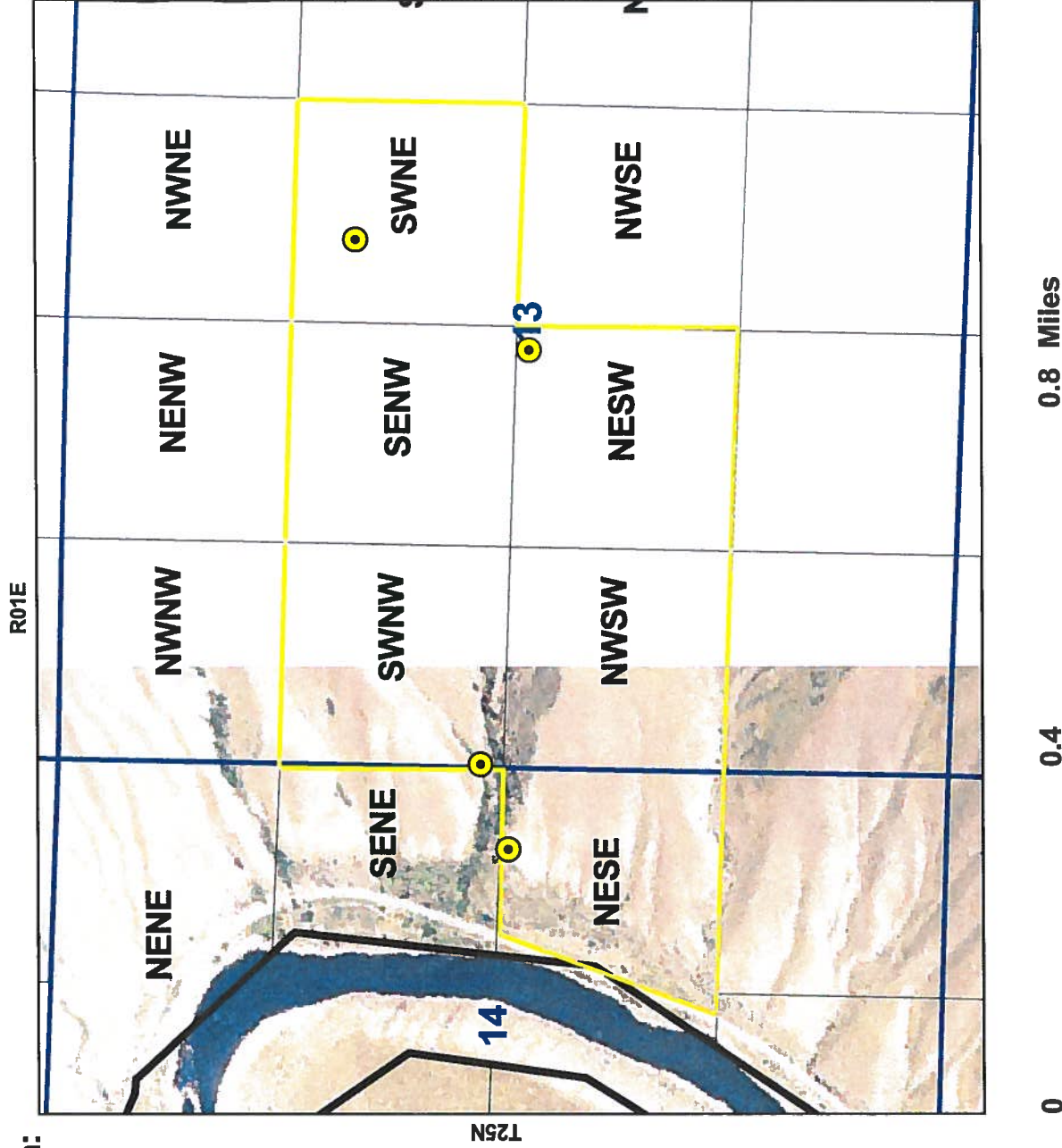
Legend

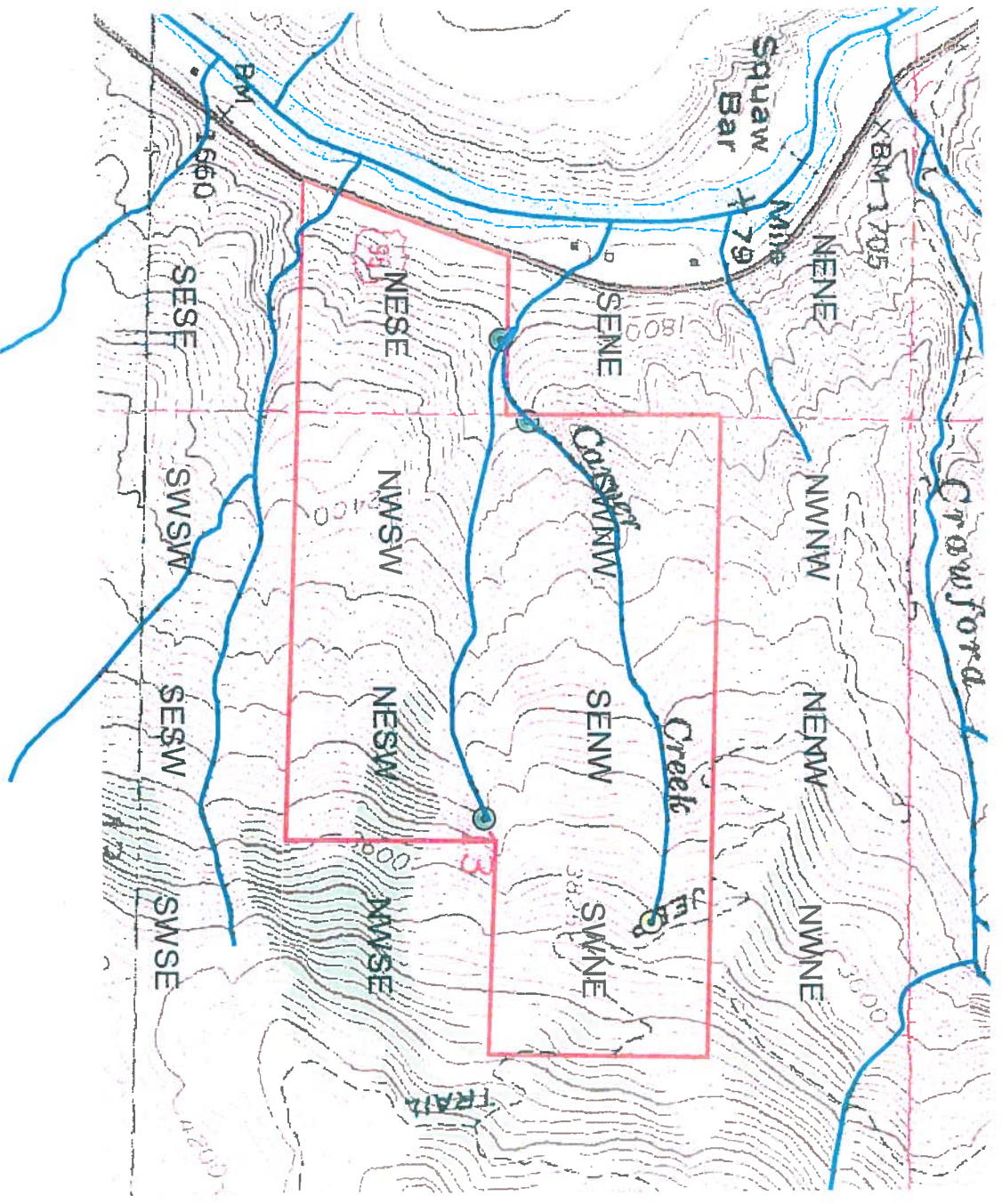
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



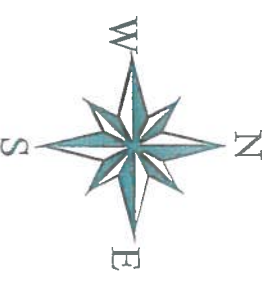
Idaho County
IDWR Basin 79

Prepared by S. Hemenway
On Thursday, January 10, 2008
1987/88 Aerial Photography





-  Streams.shp
-  79-14203pou.shp
-  79-14203unnamed.shp
-  79-14203carverck.shp
-  79-14203endpod.shp
-  QQ
-  GCDB25N02E GCDB
-  GCDB25N01E GCDB



Proposed map showing point of
point of diversion beginning reach & ending reach

25828 ✓

Patent
United States
To
Amos Carver
State of Idaho)
County of Idaho)
Filed for record in the office
of the Recorder of Idaho County at
the request of Amos Markham on the
20 day of May A.D. 1912 at 11-50
O'clock A.M.
J. A. Bradbury
County Recorder
By L.C. Funkh, Deputy
Fee \$1.00
the northwest quarter of the southwest quarter of section thirteen and the Lots four and five
of section Fourteen in Township Twenty Five north of range one east of the Boise Meridian, Idaho
containing one hundred fifty-one and sixty hundredths acres.
According to the official Plat of the Survey of the said Land, returned to the General
Land Office by the Surveyor- General.
NOW KNOW YE, That there is, therefore granted by the UNITED STATES unto the said claimant
the tract of Land above described; TO HAVE AND TO HOLD the said tract of land, with the appur-
tenances thereof, unto the said claimant and to the heirs and assigns of the said claimant
forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing
or other purposes and rights to ditches and reservoirs used in connection with such water rights
as may be recognized and acknowledged by the local customs laws and decisions of courts; and
there is reserved from the lands hereby granted a right of way thereon for ditches or canals
constructed by the authority of the United States.
IN TESTIMONY WHEREOF, I, William H. Taft, President of the United States of America, have
caused these letters to be made Patent and the seal of the general Land Office to be hereunto
affixed. GIVEN under my hand, at the City of Washington, the Seventeenth day of July in the
year of our Lord one thousand nine hundred and eleven and of the Independence of the United
States the one hundred and Thirty-Sixth/

United States General
Land Office

By the President : Wm. H. Taft
By W. P. Le Roy, Secretary
John O'Connell
Acting Recorder of the General Land Office

Recorded: Patent Number 217375

Homestead includes:

SWNW

NWSW

Sec 13

+ Lots 4 & 5
Sec 14Claiming
POU SENW Sec 13

T 25N R 1E

Sec 13

SWNW +
NWSW

and

Sec. 14
Lots 4 & 5

7/17/1911

Homestead

Carver
July 1911

RECEIVED

NOV 23 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 21 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcases: 79-14203 & 79-14204

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

On August 8, 2007, Jim and Rachel Rupp filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on November 20, 2007. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

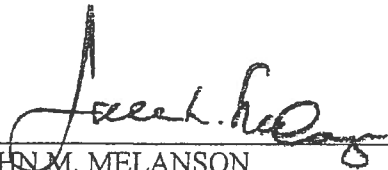
Dated November 21, 2007.

Paid \$ 200⁰⁰

Receipt C085388

De-minimus

C. Smith
11-27-07


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

E OF CLAIM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on November
21, 2007, with sufficient first-class postage to the following:

JIM RUPP
RACHEL RUPP
HC01 BOX 1
LUCILLE, ID 83542
Phone: 208-628-3712

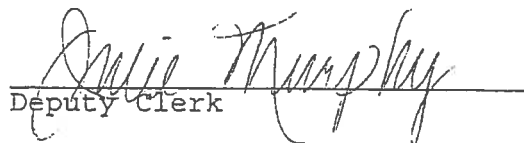
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 11/21/07

FILE COPY FOR 00148

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.