

10/16/2009

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

RIGHT NUMBER: 73-61

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: MORSE CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 2.400 CFS

The appropriator is entitled to the quantity of water described above at the point of measurement in T15N, R22E, S31, NWNESE.

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T15N R22E S26 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.400 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R21E S01 Lot 1 NENE	20.00	T14N R22E S06 Lot 2 NWNE	29.00
T14N R22E S06 Lot 3 NENW	3.30	T14N R22E S06 Lot 4 NWNW	19.00
T15N R21E S36 SESE	40.00	T15N R22E S31 SWNE	1.50
T15N R22E S31 NESW	39.00	T15N R22E S31 Lot 4 SWSW	40.00
T15N R22E S31 SESW	36.00	T15N R22E S31 NWSE	39.00
T15N R22E S31 SWSE	38.00		

304.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 304.8 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-61, 73-2052A, 73-2052B, 73-4028, 73-4083, 73-4086, & 73-10066

This right is limited to the irrigation of 120.0 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 - Decreed

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

Idaho Department of Water Resources



Adjudication Recommendation

73-61

(IRRIGATION)

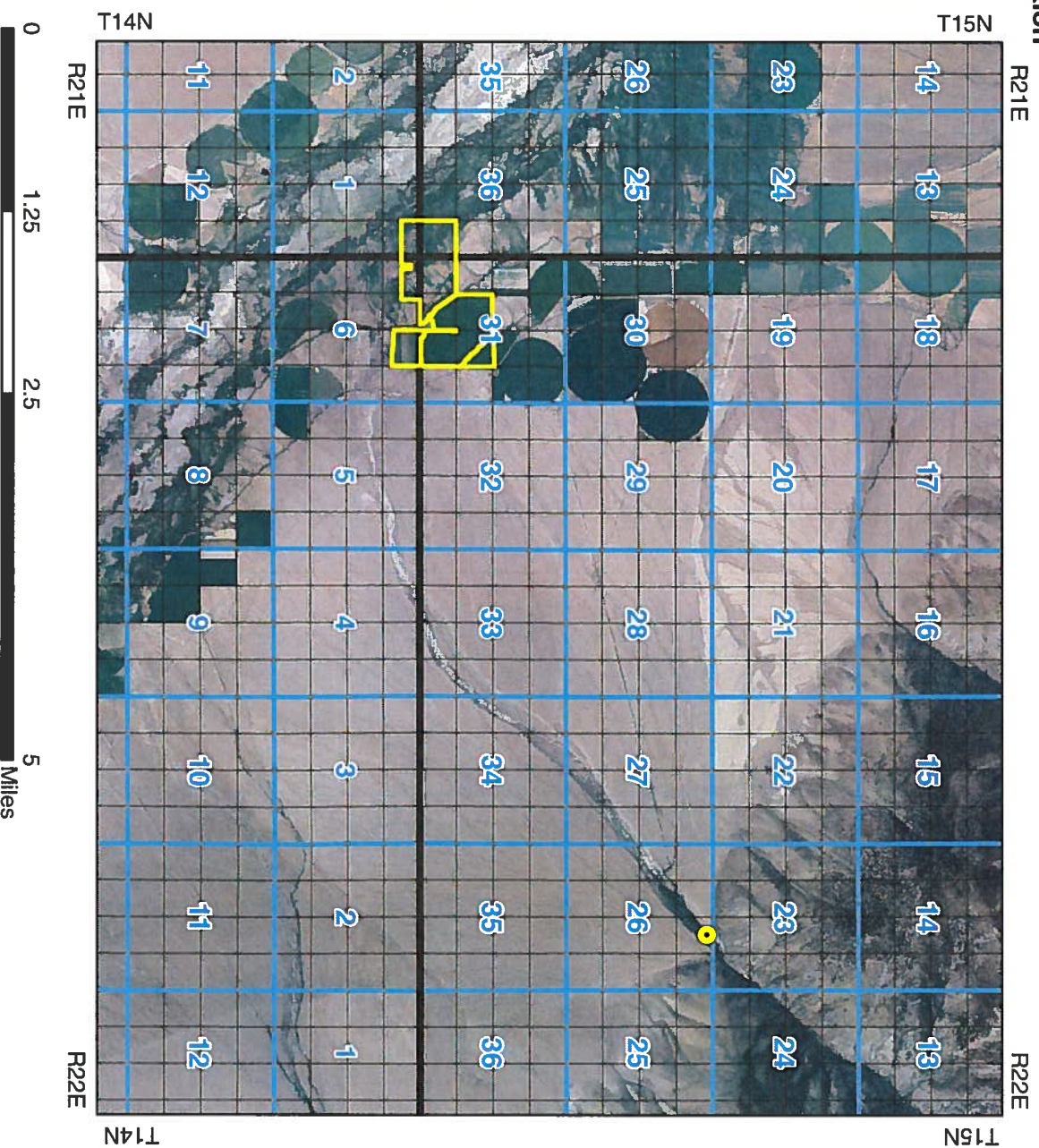
Legend

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



Lemhi County
IDWR Basin 73

Prepared by Craig Saxton
On October 16, 2009
2004 Aerial Photography



8/11/09 MVB initial hearings

75-1el et al (Santee)

Mr. Santee agrees he needs to amend. He wants to talk to Roxanne & make sure amended claims are exactly the way he wants.

He will discuss:

- 73-10066 - POD description should not be R33E; there is some confusion as to whether it should be 15N 22E or 14N 23E; recommended POD looks incorrect
- he may want to add stock to decreed right instead of B-use one; he and Roxanne will check decree to make sure stock okay in decree & amend accordingly
- Mr. Santee needs to include number of stock on claim that includes stockwater use.
- Mr. Santee & Roxanne will make sure acreage is sufficient to Mr. Santee's needs

Amended claims due 9/25

ADRs due 10/30

8-7-2009

75-61 et al

Claimant wants stuff that wasn't claimed
Craig sent amended claims

still have issues: When did charge take place?

Need evid. of acc. charge

Will likely need a field visit

Is there measurement data?



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 31, 2009

GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

RE: Objections to Snake River Basin Adjudication (SRBA) recommendations 73-61,
73-2052A, 73-2052B, 73-4028, and 73-10066
Amended Claims Needed

Dear Mr. Santee,

I have been asked to review the objections to the above listed water rights. After reviewing the objections, it appears that the claims need to be amended. Your objections request that the recommendations should include elements that have not been claimed. IDWR can not recommend something that has not been claimed.

For your convenience I am enclosing 5 amended claims. I have highlighted in yellow items I have added to the claim and ~~crossed out~~ things that are proposed to be removed. Please look over the claims and initial any changes you wish to make. When satisfied, sign the claims and you can either mail them back to me or bring them with you to the initial hearing.

Please feel free to contact me with any questions.

Sincerely,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau
craig.saxton@idwr.idaho.gov
208.287.4916

Enclosure(s)

RECEIVED
OCT 25 2007
DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 73-61

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: George E. Santee, Jr.

Address: P.O. Box 2341

Idaho Falls, ID 83403-2341

Daytime Phone: (208) 522-0202

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: George E. Santee, Jr.

Address: P.O. Box 2341

Idaho Falls, ID 83403-2341

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use** Add 40 acres in T15N R22E S31 SWSE and
30 acres in T14N R22E S6 Lot 2 NWNE as Additional Place of Use.
Should be: Change from 19.00 to 36.00 acres in SESW S31 T15N R22E.
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): _____

Right has been and continues to be used in "Additional Place of Use."

Right has been and continues to be used west of the Missouri Canal in SESW T15N R22E S31.

F.

VERIFICATION (must be completed)

State of Idaho)
County of Bonnerville)ss.

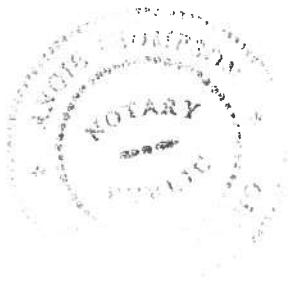
George E. Santee, Jr., duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

George E. Santee, Jr.
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 26, 2007



Angie Thompson
Notary Public for Westmark Credit Union
Residing at: Idaho Falls
My Commission Expires: 11-24-2018

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on October 26, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: George E. Santee, Jr.
Address: P.O. Box 2341
Idaho Falls, ID 83403-2341

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

George E. Santee, Jr.
Signature of objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-61 V1

WATER RIGHT NUMBER: 73-61 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE E SANTEE JR PO BOX 2341 IDAHO FALLS, ID 83403-2341 (208)522-0202
Original Owner	J D BROWN , ID
Original Owner	M A BROWN , ID

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MORSE CREEK	PATTERSON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.400 CFS	
	<u>Total Diversion:</u>	2.400 CFS	

Location of Point(s) of Diversion

MORSE CREEK	NW1/4NE1/4	Sec. 26, Twp 15N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	22E	31			2.0						40.0			19.0			39.0		100.0

Total Acres: 100

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. D09 The appropriator is entitled to the quantity of water described above at the point of measurement in T15N, R22E, S31, NWNESE.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-61 V1

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 73
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/27/2005 1:26:57 PM	dfavreau			Active
POD	12/27/2005 1:27:37 PM	dfavreau			Active
Source	12/27/2005 1:29:07 PM	dfavreau			Active
POU	12/27/2005 1:29:36 PM	dfavreau			Active
Season	12/27/2005 1:32:53 PM	dfavreau			Active
Use	12/27/2005 1:33:26 PM	dfavreau			Active
Contacts	4/20/2006 1:33:10 PM	rbrown			Active
Contacts	4/20/2006 2:33:29 PM	rbrown			Active
Quantity	7/1/2006 3:29:47 PM	rbrown			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-61 V1

General	12/27/2005 1:26:57 PM	dfavreau	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	12/27/2005 1:29:55 PM	dfavreau	Updated shape for Active POU
Contacts	4/20/2006 1:33:10 PM	rbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: in-office review
POD	4/20/2006 3:49:50 PM	rbrown	Updated PLS
POD	4/20/2006 2:44:53 PM	rbrown	Updated shape
POD	4/20/2006 2:45:14 PM	rbrown	Updated PLS
Quantity	7/1/2006 3:29:47 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	4/20/2006 2:33:30 PM	rbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: in-office review
POD	12/27/2005 1:27:37 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-61 V1

POU	12/27/2005 1:29:37 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Source	12/27/2005 1:29:07 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Season	12/27/2005 1:32:53 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	12/27/2005 1:30:10 PM	dfavreau	Updated PLS for Active POU
Use	12/27/2005 1:33:26 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a Purpose of Use? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - via GIS

SubCase:

SubCase Number: 73-61
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent: dfavreau
 Basis of Claim: Decreed
 Date Filed: 10/26/2007 Objection Status: Active

Water Supply Bank:

Idaho Department of Water Resources



Adjudication Recommendation

73-61

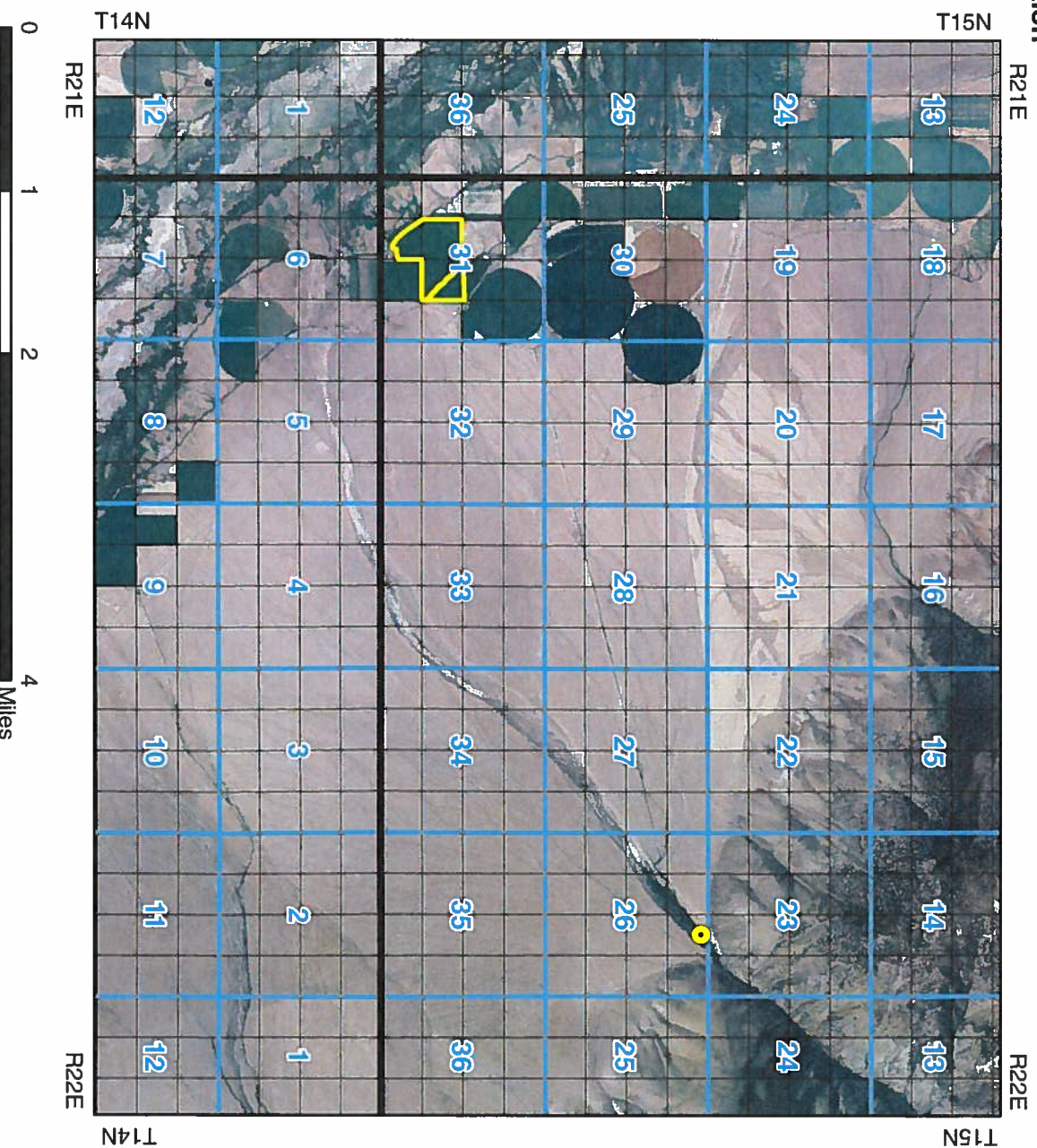
(IRRIGATION)

Legend

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



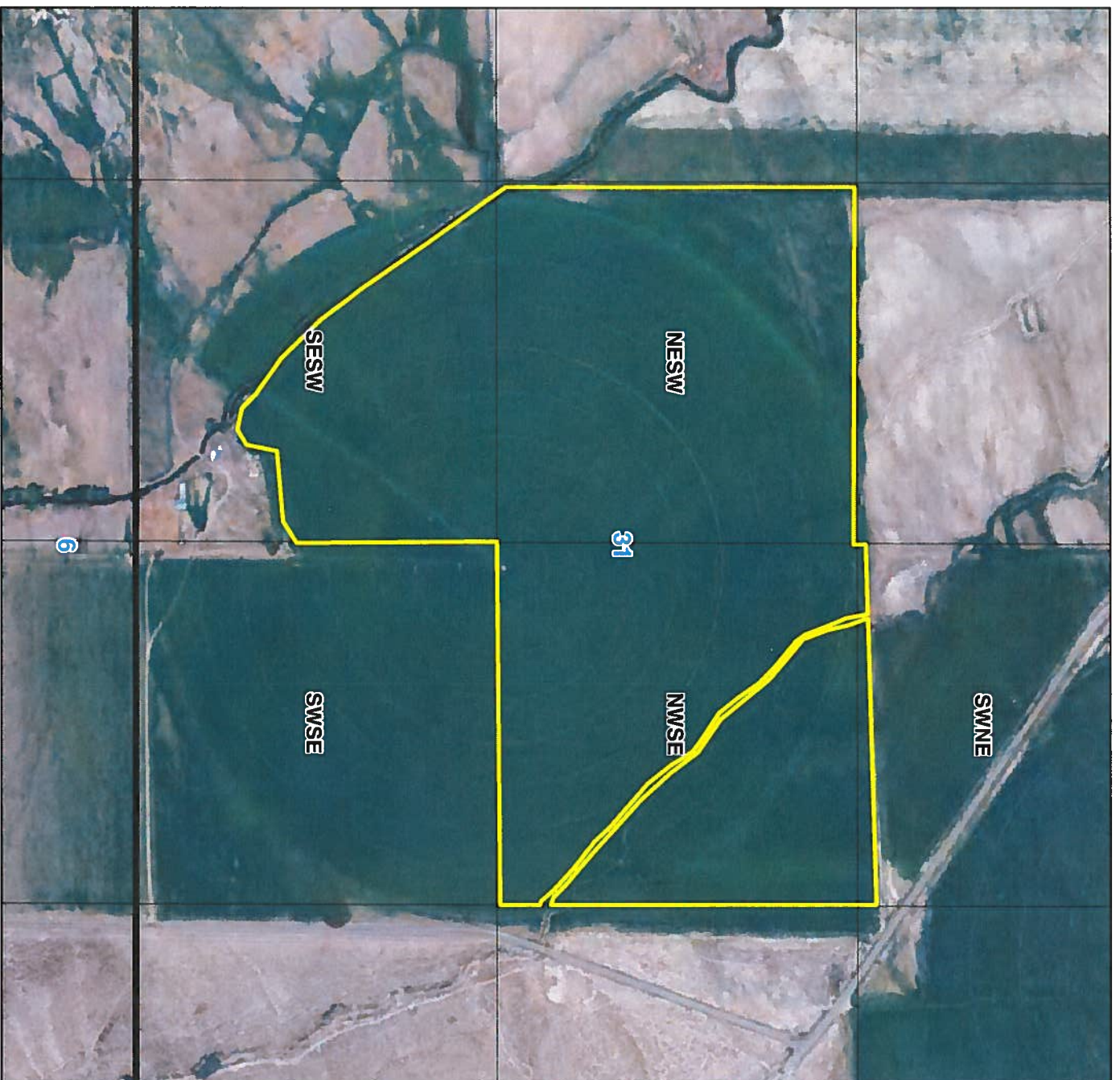
Lemhi County
IDWR Basin 73



Prepared by Craig Saxton
On July 31, 2009
2004 Aerial Photography



73-61



File 19173C

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF IDAHO, IN AND
FOR THE COUNTY OF LEMHI.

J.D.Brown, M.A.Brown and
S.F.Horn, Plaintiffs

vs

DECREE.

Morse Cr. Trib. Pahrimerol

George Grubb, W.J.Hammond,
John Calvin, Hiram Stickney,
Elwin F. Campbell, J.H.Campbell,
Jacob A. Cline, the Woods Live
Stock Co. a corporation, Frances
Grubb and Jane Hammond,
Defendants.

This cause coming on regularly for trial before the Court,
sitting without a jury, on the 7th day of November, A.D. 1911, F.J.
Cowen Esq., appearing as counsel for the plaintiffs and Messrs E. W.
Whitcomb and A.C.Cherry appearing as counsel for the said defendants,
the evidence and the proofs of the respective parties having been sub/-
mitted to the Court for its consideration and decision, and the Court
having filed herein its findings of fact and conclusions of law, and
being fully advised in the premises, and having ordered that judgment
be entered in accordance with its findings and conclusions:

Wherefore, by reason of the law and the findings and conclu-
sions aforesaid, it is ordered, adjudged and decreed, and this does
order, adjudge and decree:

73 0061 ✓

1 That the plaintiffs J.D.Brown and M.A.Brown be, and they
are jointly awarded the right to the use of 120 inches, or two and two-
fifths second feet of the flow of the waters of Morse Creek in the
County of Lemhi, State of Idaho, their said right to date from June
1st. 1884, for the irrigation of the E½ of the SW¼, and the NW¼ of the
SE¼ of Sec. 31, Tp. 15 N.R. 22 E.B.M. in said Lemhi County, Idaho.

2 That the plaintiff S.F.Horn, be and he is awarded the
right to the use of 45 inches, or nine-tenths second feet of the flow
of the waters of said Morse Creek, for the irrigation of all that por-
tion of Lots 2 and 3 of said Section 31, lying and being on the North
side of the so called Missouri Canal, his said right to date from June
1st. 1891.

73 0062 ✓

RECORDED
JUL 30 1998

10/26/2006

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

RIGHT NUMBER: 73-61

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: MORSE CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 2.400 CFS

The appropriator is entitled to the quantity of water described above at the point of measurement in T15N, R22E, S31, NWNESE.

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T15N R22E S26 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.400 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R22E S31	SWNE	2.00	T15N R22E S31	NESW	40.00
T15N R22E S31	SESW	19.00	T15N R22E S31	NWSE	39.00

100 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 - Decreed

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

SANTEE FILE

RECEIVED

JAN - 6 2003

P.O. Box 2365
Idaho Falls, ID 83403-2365
January 2, 2003

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Certified Mail
Return Receipt Requested
7002 0860 0007 5521 7495

SUBJECT: Response to Order Requiring Information about Measuring Devices and Headgates in Water District 73, Pahsimeroi River and Tributaries

The following information is submitted in response to the order requiring information about measuring devices and headgates in water district 73, Pahsimeroi River and tributaries. Information is submitted for my diversions from Morse Creek and Spring Creek.

Water Source: Morse Creek

Diversion Description: Santee diversion

NWNESE Sec. 31 Twp. 15N Rge. 22EBM in Lemhi County

The Santee diversion from Morse Creek is controlled by a 10 inch Butterfly valve in a 10-inch steel pipe. The valve can be locked either with a piece of chain and padlock or by padlocking the cover on the enclosure surrounding the valve. The pipe was originally fitted with a McCrometer impeller flowmeter. The McCrometer flowmeter has been replaced with an IDTECH flowmeter. Details of the assembly are shown in the attached drawing identified as "IRRIGATION OUTLET ASSEMBLY - SANTEE LINE, Sheet 11 of 14."

Water Source: Spring Creek

Diversion Description: Missouri Canal

NWNENE Sec. 7 Twp. 14N Rge. 22EBM in Lemhi County

The Missouri Canal diversion from Spring Creek is being replaced by the Idaho Fish and Game Department in conjunction with installing a new fish screen. The new diversion includes a lockable steel slide headgate with a ramp flume to measure water flow. Details of the headgate and ramp flume are shown in the attached drawing identified as "PBSC 7 & 8, RAMP FLUME, Sheet 13 of 15."

You may contact me at:

George Santee
P.O. Box 2365
Idaho Falls, ID 83403-2365

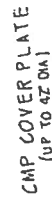
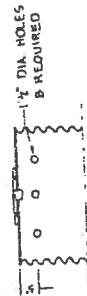
Phone: (208) 522-0202

Sincerely,

George Santee
George Santee

Attachments: IRRIGATION OUTLET ASSEMBLY – SANTEE LINE, Sheet 11 of 14
PBSC 7 & 8, RAMP FLUME, Sheet 13 of 15

Cc: Bob Foster, IDWR, Salmon Field Office, 206 Van Dreff, Suite B, Salmon, ID 83467
IDWR, Eastern Regional Office, 900 N Skyline Dr, Suite A, Idaho Falls, ID 83402
Jerry Hawkins, Water District #73, HC 61 Box 3050, Challis, ID 83226
George Miller, Water District #73, 50 P Miller Road, May, ID 83253
Doug Parkinson, Water District #73, P.O. Box 65, Ellis, ID 83235

[illegible]

STA 40+10 SANTEE RIVER

1. The first part of the document is a title page. It contains the title "THE HISTORY OF THE CITY OF BOSTON" and the author "BY SAMUEL JOHNSON".

[illegible]

