

05/17/2006

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

RIGHT NUMBER: 2-2044

NAME AND ADDRESS: WEST INDIAN COVE WATER CO INC
27097 INDIAN COVE LN
HAMMETT ID 83627

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.740 CFS

PRIORITY DATE: 02/07/1944

POINT OF DIVERSION:

T05S R07E S34 SWNW Lot 2 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.740 CFS

PLACE OF USE:

714 ACRES TOTAL

The place of use is within the service area of the West Indian Cove Water Co.

The rights listed below are limited to the irrigation of a combined total of 714 acres in a single irrigation season. Combined Right Nos.: 2-2044, 2-2055, 2-2097B, 2-2128, 2-4015, 2-7133, 2-10008, and 2-10010.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Right Nos. 2-2044 and 2-2055 are limited to the irrigation of a combined total of 458 acres 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 - License

Memorandum

To: 2-2044, West Indian Cove Water Co

From: D. Shaff 

Date: May 17, 2006

Subject: Counted Acres

Sam Hamilton, a board member of West Indian Cove, visited the office today exploring IDWR's finding of 684 Acres counted for the Company's water rights rather than 714 in total claimed. I worked with Sam and the POU shape for the Company. By adding parts of fields previously excluded and farmstead yards that had not be included, I found the ArcView POU shape had 703 acres. Seeing other areas within the Company boundary where the vertices were not snug against the canal, for instance, I granted the Company's claimed total acres was correct, and IDWR should recommend 714 acres.

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: A02-02044
Date Received: 12/07/1988
Receipt No: M002087
Received By: ESR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WEST INDIAN COVE WATER CO. 208-366-2022
Address: STAR ROUTE BOX 40
HAMMETT, ID 83627

2. Date of Priority: FEB 07, 1944

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	07E	34	SW		NW		OWYHEE

5. Description of diverting works:
PUMP IN RIVER W/PIPELINE TO CANAL; FLOOD AND/OR SPRINKLER IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/31	3.740		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/VARIABLE AMOUNTS AND BREEDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	07E	3	SW	NE		IRR	40.0
			SE	NE		IRR	18.0
			NE	NW		IRR	20.0

A02-02044

Page 1

Date: 12/07/88

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	07E	3	NW		NW		IRR	37.0
			SW		NW		IRR	30.0
			SE		NW		IRR	40.0
			NE		SW		IRR	28.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	34.0
			SE		SE		IRR	40.0
							Section Acres	367.0
		10	NE		NE		IRR	35.0
			NW		NE		IRR	18.0
							Section Acres	53.0
		11	NW		NW		IRR	38.0
							Section Acres	38.0
							Total Acres	458.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
02-02055, 02-02128, 02-07133

14. Remarks:
WATER RIGHT PROOF IN ERROR IN RELATION TO LICENSE. THIS CLAIM
TAKEN BASED ON LICENSE.

15. Basis of Claim: LICENSE
Water Right Number: 19467

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 Organizations:

I do solemnly swear or affirm that I am President
Samuel R. Hamilton of
Title
West Shoshone Power Water Co. Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
West Shoshone Power Water Co. Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Samuel R. Hamilton
Signature of Authorized Agent

President
Title and Organization

12/7/88
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of Dec 19 88

Elda J. Pouch
Notary Public

Seal

Residing at Bosc

My Commission Expires 09/08/1999

State of Idaho

License and Certificate of Water Right

Water License No. 19467 Priority February 7, 1944 Amount 3.74 second feet

THIS IS TO CERTIFY that WEST INDIAN COVE WATER COMPANY

of Hammett, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 7, 1944; that Permit No. 19467 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5 second feet, was issued thereunder on December 10, 1948, showing that said works were completed on the 6th day of December, 1948; and that on the 18th day of July, 1949

WEST INDIAN COVE WATER COMPANY

of Hammett, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Snake River a tributary of Columbia River for the purpose of irrigation under Use Permit No. 19467 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses, at Page 4600, on the 17th day of May, 1950; The right hereby confirmed dates from February 7, 1944;

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 34, Tp. 5 S., R. 7 E., B. M. Elmore County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.74 cubic feet per second. $(458A \times 1.5A = 13.74 \text{ cfs. } (40 + 3.74) \text{ cfs.})$

Description and location of use:

TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
5 S.	7 E.	34	SW 1/4 SW 1/4	12	—
6 S.	7 E.	3	SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	18	18
			NE 1/4 NW 1/4	32	20
			NW 1/4 NW 1/4	36.4	37
			SW 1/4 NW 1/4	37.1	30
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	30.2	28
			NW 1/4 SW 1/4	2.3	—
			NE 1/4 SW 1/4	0.9	—
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	38.7	40
			SW 1/4 SE 1/4	35.7	34
			SE 1/4 SE 1/4	38.8	40
		10	NE 1/4 NE 1/4	34.3	35
			NW 1/4 NE 1/4	19	18
		11	NW 1/4 NW 1/4	38	38

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho. Number of Acres Actually Irrigated - 458

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 17th day of May, 1950

Mark R. Kulp

State Reclamation Engineer.

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AUG 07 1992

Water Right Number - 02-02044 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 19467

+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WEST INDIAN COVE WATER CO.

1 -
2 -
3 -

City- HAMMETT State- ID Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/07/1944 L - LICENSE

+ - - Source - - - - - + + - - Tributary - - - - - + + - -
SNAKE RIVER COLUMBIA RIVER

+ - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +

Twn Rng Sec Tract Lot Rfig County 272.0 519.3

05S 07E 34 SW NW (39) ELMORE 272.0 519.3

+ - - Code Description Period From Period To Diversion Rate Diversion Volume - - - - - +

01 - IRRIGATION 3.740

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +

+ - - - - Twn Rng Sec Tract Lot Acres Place of Use - - - - - Description - - - - - County - - - - -

06S	07E	3	SW NE	40.0	01	IRRIGATION	(39)	ELMORE
06S	07E	3	SE NE	18.0	01	IRRIGATION	(39)	ELMORE
06S	07E	3	NE NW	20.0	01	IRRIGATION	(39)	ELMORE
06S	07E	3	NW NW	37.0	01	IRRIGATION	(39)	ELMORE
06S	07E	3	SW NW	30.0	01	IRRIGATION	(39)	ELMORE
06S	07E	3	SE NW	40.0	01	IRRIGATION	(39)	ELMORE
06S	07E	3	NE SW	28.0	01	IRRIGATION	(39)	ELMORE
06S	07E	3	NE SE	40.0	01	IRRIGATION	(39)	ELMORE
06S	07E	10	NE NE	35.0	01	IRRIGATION	(39)	ELMORE
06S	07E	10	NW NE	18.0	01	IRRIGATION	(39)	ELMORE
06S	07E	11	NW NW	38.0	01	IRRIGATION	(39)	ELMORE
06S	07E	11	~~NW NW~~	~~38.0~~	01	IRRIGATION	(39)	ELMORE

Total Acres: 364.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

458.1 - same list as 02-02055

purysae

*SE-46
SW-34
SE-46*

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

5/17/50

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AUG 07 1992

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
SNAKE RIVER FROM BASE OF MILNER
DAM TO OREGON
BORDER. ~~XXXXXXXXXXXX~~

NOTICE OF CLAIM
TO A
WATER RIGHT

02-2044	I.D. No.	Map No.
\$10.00	Fee Paid	19472 Receipt No.

Notice is hereby given that West Indian Cove Water Company
(Name of Claimant)

Hammett, Idaho 83627
(Mailing Address)

Telephone No. _____
(Zip Code)

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, or priority date of decreed, licensed or permit right) February 7, 1944
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) SNAKE RIVER tributary to Columbia 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:
Quantity 3.74 cfs Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 0.40 3.74 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source (SW 1/4 NW) Lot 2
Sec. 34, Twp. 5S, Rge. 7E, B.M., Owyhee 73 County
Additional Points: SCI: 2720(1) 519.3
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.
SCI: 2720(1) 519.3
Pumps, pipeline & 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.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
58	7E	34									5	10	23	18					56
6S	7E	3			40	26	34	40	40	40	40	40	40	40	40	40	40	40	540
		10	40	40	39	18	35	35	26	39	26				39	39	34	40	80
		11						35	35										70
																			38

Total no. of acres 746 458

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 _____

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 19467/02-2044

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

June 23, 1981
(Date)

State of Idaho Organization _____
County of Ada ss. Seal _____

On this 23 day of June, in the year 1981 before me
a notary public, personally appeared Milton Landis

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same

My commission expires Life Notary Public residing at Boise

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. Shaff Date 10/04/84
Right No. 02-2044 Claimant West Indian Cove

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

- ☒ License
- ☐ Previous Statutory Claim.
- ☐ Permits, valid or lapsed. Number(s) if different than above _____
- ☐ Decree. Name & date _____
- ☐ Conveyance Loss Calculations. See printout included.
- ☐ Title abstract. ☐ In file. Or, Name & location _____
- ☐ County records. ☐ In file. Or, Name & location _____
- ☐ Affidavits. ☐ In file.
- ☐ Posted Notices, Water Locations Notices. ☐ In file.
- ☐ Deed Records. ☐ In file. Or, Name & location _____
- ☐ Patent Records. ☐ In file. Or, Name & location _____
- _____
- ☐ Metzker Maps. Identify _____
- ☐ A.S.C.S. Records. Year & Photograph No. _____
- ☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____
- ☐ Historical Books. Name(s) & location _____
- _____
- ☐ Interview(s). Attach conversation memorandum.
- ☐ Other _____
- ☐ _____

Field Exam Made: ☒ Yes ☐ No Date 10/02/84

☐ Adj. Report in file See 02-2055 ☒ Beneficial Use Report in License (S.O.) File Memo & map

Measurement _____ cfs. Amount recommended 0.40 cfs.
Type of measuring device: _____ Meter No. _____
Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. 1974 09 Indian Cove

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☐ No

Remarks _____

APR 10 1985
MICHOIEMED

M E M O

TO: File No. 02-2044
FROM: Don Shaff *DS*
DATED: 10-04-84
SUBJ: Review Analysis

The most *glaring* deviation in this recommended claim is the point for cfs recommending ^{eq.}~~ing~~. In File No. 02-2055 the field inspection of 10-02-84 is explained. The 458 acres identified by this right now have only 124 acres flood irrigated. At one-and-one-half inches per acre for the flood irrigated lands and an inch per acre for the remainder, the total diversion for this land is 10.4 cfs. With 10 cfs allocated to 02-2055, only 0.4 cfs remains for 02-2044.

Under the circumstances this difference of 3.34 from the amount licensed under these two water rights can only be concluded as lost through non-use. The water cannot be transferred to other lands as this would result in an expansion in the consumptive use requirement above that which occurred on the original 458 acres.

MICROFILMED
AUG 10 1994

State of Idaho
License and Certificate of Water Right

Amount 3.71

Priority Feb

THIS IS TO CERTIFY that WEST INDIAN COVE WATER COMPANY
of Hammett, Idaho , made application for a permit to appropriate
public waters of the State of Idaho, dated February 7 , 1944 ; that Permit No. 1
was issued under said application; that Certificate of Completion of works, with a carrying capacity
5 second feet, was issued thereunder on December 10 , 1948 , showing that said works
were completed on the 6th day of December , 1948 ; and that on the 1
day of July , 1949 ,

WEST INDIAN COVE WATER COMPANY

of Hemmett, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of the _____, a tributary of Columbia River, for the purpose of irrigation, under Use Permit No. 19467 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in _____ of Licenses at page 4600, on the 17th day of May, 1946.

The right hereby confirmed dates from February 7, 1941

The Point of Diversion is located

in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Tp. 5 S., R. 7 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.74 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrig.
5 S.	7 E.	34	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12	--
6 S.	7 E.	3	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	18	18
			NE $\frac{1}{4}$ LW $\frac{1}{4}$	32	20
			NW $\frac{1}{4}$ LW $\frac{1}{4}$	36.4	37
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.1	30
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.2	28
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.3	--
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.9	--
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.7	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.7	34
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.8	40

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MEMORANDUM

Mr. Mark A. Ralp
State Reclamation Engineer

Subject Indian Cove Pumping Plants

File Panatta Res., 1941 and 1942

In compliance with your request, I left Boise on September 19, 1942, in company with Mr. J. E. Bolton for the Indian Cove Project on Snake River for the purpose of measuring the discharges of the various pumps on the project. The results are as follows:

Measurement No. 1 - High line ditch, with one pump in operation, old pump, 65 foot lift, 24" pipe line, discharge 11.29 c.f.s.

Measurement No. 2 - One pump in operation, Panama Pump, 16" 5 H. P. motor, 55 foot lift, in new pipe line as above, with old pump shut off, discharge 8.86 c.f.s.

Measurement No. 3 - High line ditch same as above, old pump and new pump pumping into same pipe line, 2 pumps in operation, discharge 17.40 c.f.s.

Measurement No. 4 - Low line ditch, 50 foot lift, one pump in operation, discharge 16.21 c.f.s.

Measurement No. 5 - Private pump - Owner, Frank Wilson, located approximately two miles down from head of ditch pumping from High line canal, Panama pump 14" 5 H. P. low lift 24' discharge - 4.03 c.f.s. High lift 28', discharge 2.36 c.f.s.

Measurement No. 6 - Private pump - Owner, Mr. Miller, located about 3/4 mile from head of ditch, pumping out of High line canal, lift 25', 6" Panama pump 5 H. P. measured of 2' weir, discharge 1.18 c.f.s.

[Signature]
Superintendent of Water Divisions

October 1, 1942

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