

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 43-13066
Date Received: 6/25/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOINT SCHOOL DISTRICT #151 Phone: (208) 678-6600

237 E 19TH ST
BURLEY ID 83318

2. Date of Priority: 02/01/1918

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	26E	11	SE NE	CASSIA	

5. Description of diverting works:

125' WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	2.12	

7. Total Quantity Appropriated is:
2.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	11	SE	NE	DOMESTIC	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

THE PARENT OF THIS CLAIM IS 43-10599. THIS RIGHT HAS BEEN SPLIT AS A RECOMMENDATION POST PRELIMINARY DIRECTORS REPORT AND PER CONVERSATION WITH DOUG WHIPPLE AS PART OF THE NOTICE OF ERROR PROCESS. - VH

15. Basis of Claim: Beneficial Use

No. R43-10599

DATE: 02/03/98
PAGE: 6

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

06/25/2001

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

RIGHT NUMBER: 43-13066

NAME AND ADDRESS: JOINT SCHOOL DISTRICT #151
237 E 19TH ST
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 0.17 CFS
4.58 AFY

USE OF THIS RIGHT WITH RIGHT NO.43-13065 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.17 CFS.

PRIORITY DATE: 08/15/1962

POINT OF DIVERSION: T13S R26E S11 SENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01-01 12-31	0.17 CFS 4.58 AFY

PLACE OF USE:

DOMESTIC Within CASSIA County
T13S R26E S11 SENE

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

2 SCHOOLS, 345 STUDENTS, 2 HOMES. RP13S26E111900A.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 25, 2001

Mr. Douglas Whipple
Whipple Law Office
PO Box 249
Burley, Idaho 83318

RE: Snake River Basin Adjudication (SRBA)
Claims of Joint School District No. 151
43-10599 now split into 43-13065 and 43-13066

Dear Mr. Whipple,

As I proposed, claim 43-10599 has been split into two parts, based upon the priority dates of development of water for domestic use at the Malta Schools. Copies of the newly created water rights are enclosed for your review, and copies have also been sent to Jerry Doggett this date.

As before, please review the proposed recommendations and let me know if you have any concerns. If I do not hear anything further from you or Mr. Doggett, I will recommend these water rights to the SRBA court as they now appear.

Thank you for your help in preparing these water right recommendations. If I can be of any assistance to you as the adjudication progresses through basin 43 and on into basin 45, please don't hesitate to contact me.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 25, 2001

Mr. Gerald Doggett, Superintendent
Joint School District No. 151
237 E. 19th Street
Burley, Idaho 83318

RE: Snake River Basin Adjudication (SRBA)
Claim 43-10599 now split into 43-13065 and 43-13066

Dear Mr. Doggett,

Thank you again for providing the information necessary to complete my water right recommendation for the above claim. I spoke with Mr. Doug Whipple by phone and proposed that claim 43-10599 be split into two parts, based upon the priority dates of development. This has been done, and copies of the newly created water rights are enclosed.

As before, please review the proposed recommendations and let me know if there are any questions, corrections or concerns. If I do not hear anything further from you, I will recommend these water rights to the SRBA court as they now appear.

If I can be of any assistance to you as the adjudication process progresses, please don't hesitate to contact me.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

NOTE TO FILE

From: Vikie Hancock

6/15/01

Regarding: Claim number 43-10599 to be split by priority date

Calculations:

Volume -

1962 (mandatory statutes)

$$345 \text{ students} \times 25 \text{ gpd} = 8,625 \text{ gpd} \times 180 \text{ days} = \frac{1,552,500}{325,850} \text{ gpy} = 4.76 \text{ afa}$$

$$2 \text{ households @ } 1.2 \text{ afa each} = 2.4 \text{ afa}$$

$$+2.40$$

$$7.16 \text{ afa} *$$

See below

1924 (year Raft River HS built)

$$187 \text{ students} \times 25 \text{ gpd} = 4,675 \text{ gpd} \times 180 \text{ days} = \frac{841,500}{325,850} \text{ gpy} = 2.58 \text{ afa}$$

Diversion Rate -

From Public Building Water Requirements

$$60 \text{ gpm} / 448 = 0.13 \text{ cfs}$$

$$50 \text{ gpm} / 448 = 0.11 \text{ cfs}$$

$$2 \text{ domestic households @ } 0.02 \text{ cfs} = 0.04 \text{ cfs}$$

$$1962 \quad 0.13 + .04 = 0.17 \text{ cfs}$$

1924

$$0.11 \text{ cfs}$$

Combined limits both priority dates of 0.17 cfs

$$* 7.16 \text{ afa} - 2.58 \text{ afa} = \underline{4.58 \text{ afa}} \text{ Priority date 1962}$$

43-10599 Split into 43-13065 (1924) & 43-13066 (1962)

Exhibit 14

PUBLIC BUILDING WATER REQUIREMENTS

Kind of Building		Number of Fixtures				See Notes
		0-50	51-100	101-200	201-400	
Hotels/Clubs	Gpm/Fixture	0.65	0.55	0.45	0.35	A B
	Min. Gpm	25	35	60	100	
	Max. Gpm	33	55	90	140	
Hospitals	Gpm/Fixture	1	0.8	0.6	0.5	A B
	Min. Gpm	25	55	85	125	
	Max. Gpm	50	80	120	200	
Apartments/Hotels	Gpm/Fixture	0.5	0.35	0.3	0.28	A
	Min. Gpm	16	30	40	65	
	Max. Gpm	25	35	60	115	
Mercantile	Gpm/Fixture	1.3	0.75	0.7	0.6	A C
	Min. Gpm	40	70	80	150	
	Max. Gpm	65	75	140	240	
Office	Gpm/Fixture	1.1	0.7	0.6	0.5	A C
	Min. Gpm	35	60	80	140	
	Max. Gpm	55	70	120	200	
Schools/Churches	Gpm/Fixture	1	0.6	0.5	0.4	A
	Min. Gpm	20	50	70	110	
	Max. Gpm	50	60	100	160	

A. Table are based on equal number of men and women. If major number of occupants are women increase capacity 15%.

B. Where laundry is operated in connection with building increase capacity 15%.

C. These estimates do not include water for special process work. The extra amount should be determined and added to the total capacity.

Source, *Hydraulic Handbook*, Colt Industries, 1979, p. 90.

9pd

Livestock (per animal):

Cattle (range)	12
Cattle (dairy)	35
Goat	2
Hog	4
Horse	12
Mule	12
Sheep	2

Chickens (per 100)	5-10
Turkeys (per 100)	10-18

Motels:

With bath, toilet & kitchen facilities (per bed)	50
With bed & toilet (per bed)	40

Parks:

Overnight with flush toilets (per camper)	25
Trailers with individual bath units (per camper)	50

Picnic:

With bathhouses, showers & flush toilets (per picnicker)	20
With toilet facilities only (per picnicker)	10

Restaurants:

With toilet facilities (per patron)	7-10
Without toilet facilities (per patron)	3
With bars & cocktail lounge (additional per patron)	2

Schools:

Boarding (per pupil)	75-100
Day with cafeteria, gyms & showers (per pupil)	25
Day with cafeteria, no gyms or showers (per pupil)	20
Day without cafeteria, gym or showers (per pupil)	15

Service stations (per vehicle)	10
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Stores (per toilet room)	400
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Swimming pools (per swimmer)	10
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Theaters:

Drive-in (per car space)	5
Movie (per auditorium seat)	5

Workers:

Construction (per person/shift)	50
Day (per person/shift)	15

NOTE TO FILE

From: Vikie Hancock

6/15/01

Regarding: Claim number 43-10599

I received additional information by telephone this date from Jerry Doggett regarding attendance records at the Malta Schools. The number of students attending both schools in 1962 was 345.

RECEIVED
JUN 11 2001
Department of Water Resources
Boise, Idaho

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS

Claim Nos. 43-10599 (Domestic Use)
43-10600 (Irrigation Use)

AFFIDAVIT OF O. GERALD DOGGETT

STATE OF IDAHO)
 ss
COUNTY OF CASSIA)

O. Gerald Doggett, being first duly sworn on oath deposes and states as follows:

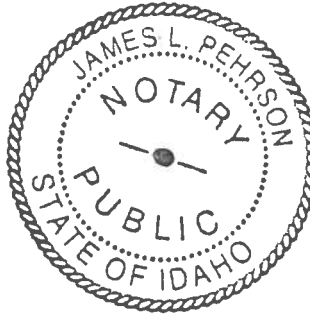
1. That your Affiant is the Superintendent of Joint School District No. 151, Cassia, Twin Falls and Oneida Counties, Idaho, which School District is the governing agency for the public schools in Malta, Cassia County, Idaho.
2. That your Affiant has reviewed the historical records of the aforesaid School District as they pertained to the Raft River Schools located in Malta, Cassia County, Idaho.
3. That from the historical records of Joint School District No. 151, your Affiant hereby declares the following:
 - a. The original Malta Elementary School was built in 1910 with an enrollment of 103 students in 1913. (1910 figures are not available).
 - b. In 1924 Malta High School was started with 10 students attending at a local residence. Within 4 years it grew to 50 students and in 1934 the current Raft River (formerly Malta High School) was built. The total enrollment of the 2 schools was 187 in 1934 and 212 in 1937. After a fire destroyed the Malta Elementary School another was erected in 1937.
 - c. A new elementary was erected in 1990 with an enrollment of 292 (K-8). An addition was added to Raft River High in 1998 with an enrollment of 129.

- d. The current enrollment at Raft River Elementary is 183; current enrollment at Raft River High is 167.

DATED this 7 day of June, 2001.

O. Gerald Doggett
O. GERALD DOGGETT

SUBSCRIBED AND SWORN TO before me this 7th day of June, 2001.



James L. Pehrson
Notary Public
Residing at Burley, Idaho
My Commission Expires April 05, 2006

RECEIVED

JUN 11 2001

Department of Water Resources
Twin Falls, Idaho

WHIPPLE LAW OFFICE

DOUGLAS R. WHIPPLE

STAN HOLLOWAY
DAVID W. HALEY
JOHN D. ELORRIETA

2300 OVERLAND P.O. Box 249
BURLEY, IDAHO
Phone: 208-678-5574
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301 SCOTT AVENUE
P.O. BOX 45
Rupert, Idaho 83350
Phone: 208-436-4433

June 8, 2001

Vikie Hancock
Sr. Water Resource Agent
Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301-3380

Re: Claims No's: 43-10599 (Domestic Use)
43-10600 (Irrigation Use)

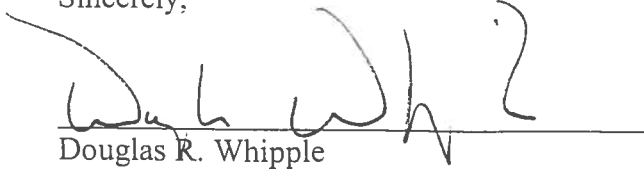
Dear Ms. Hancock:

Joint School District No 151 has asked that I respond to your letter dated March 27, 2001, addressed to the Superintendent. As we talked on the telephone today and a week or so ago, pursuant to your advise we have prepared an affidavit of Superintendent Jerry Doggett outlining the history of the Public Schools in Malta, Idaho which affidavit is enclosed.

We realize the affidavit has direct application to the domestic use claim, but if it provides some claim on the irrigation right, please make it part of that file as well.

I have greatly appreciated your time and assistance. If I or the District needs to provide any other information, please let me know.

Sincerely,


Douglas R. Whipple

Copy: Superintendent Doggett
Assistant Superintendent Chesley

03/27/2001

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

RIGHT NUMBER: 43-10599 DISALLOWED

NAME AND ADDRESS: JOINT SCHOOL DISTRICT #151
237 E 19TH ST
BURLEY, ID 833182444

SOURCE: GROUND WATER

QUANTITY: 2.12 CFS

PRIORITY DATE: 02/01/1918

POINT OF DIVERSION: T13S R26E S11 SENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC 2 HOMES	1-01 12-31	2.12 CFS

PLACE OF USE:

DOMESTIC Within CASSIA County
T13S R26E S11 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

NO LAWFUL APPROPRIATION SHOWN.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

2 SCHOOLS (600 STUDENTS) RP13S26E111900A
2 HOMES

*Matta
Schools*

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

April 3, 2001

Regarding:

Customer:

43-10599 and 43-10600

School Dist 151

[illegible]

Jerry Doggett, Superintendent of Schools for School District 151 called in response to my letter informing him that the SRBA claims for domestic and irrigation use at the Malta Schools were presently being disallowed. He called on speaker-phone with a Mr. Jim Pierson also present.

Mr. Doggett was not aware of having water right claims for any schools and was unsure of what schools I was referring to in Malta.

I explained the SRBA and that the claims were filed in the late 1980s with the assistance of Douglas Whipple, the District's attorney of record. I explained that the water use was for two schools in Malta and that I assumed they were the High School and Elementary School, and that there were two homes also listed as domestic uses. Mr. Pierson agreed that there were two schools and two apartments for teachers. I reiterated that there were problems with both claims and gave the example that the domestic claim indicated 600 students using water at the schools in 1918. As Mr. Doggett was so unfamiliar with the filings, I did not begin to explain the problems with the irrigation claim.

Mr. Doggett asked what the next move was. I told him that it may be best, since he was unfamiliar with the water uses and claims, that he wait until he received the preliminary report and then make an appointment to talk to me. I suggested that he get in touch with people in Malta who were acquainted with the history of the water use at the schools, and also with the District's attorney, Mr. Whipple, who filed the claims on their behalf.

I told Mr. Doggett that the District would be receiving water right recommendations on several schools in the area over the next few years.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 2001

Superintendent
Joint School District #151
237 E 19th Street
Burley, Idaho 83318

RE: Snake River Basin Adjudication (SRBA)
Claim Nos: 43-10599 (Domestic use) and 43-10600 (Irrigation use)

Dear Sir or Madam:

The above two claims for a water right in the Snake River Basin Adjudication are for use at the schools in Malta. This letter is to inform you that, based upon the information in our files, these claims are being recommended for disallowal.

The Department of Water Resources will be sending our preliminary report of individual water rights to claimants within the next six weeks. If you wish to wait until you receive these reports, there will be time during our Notice of Error process for you to present further evidence to support the above claims. If, however, you wish to discuss these claims before the preliminary report is finalized, you can contact me at this office. Please keep in mind that in order to make any changes to our recommendations in time for the preliminary report, some clarification of your claims must be received soon.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls, Idaho