

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 43-13344
Date Received: 11/17/2003
Receipt No: C074622
Received By: M

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KIM THORNTON Phone: (208)645-2557

PO BOX 635
MALTA ID USA 83342

JAY R THORNTON Phone: (208)645-2557

PO BOX 635
MALTA ID USA 83342

2. Date of Priority: 04/01/1889

3. Source: ONEMILE CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16S	26E	28	SE NW SW	CASSIA	Beginning Point
16S	26E	28	NE NW NW	CASSIA	Ending Point

5. Description of diverting works:

INSTREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 80 HEAD OF RANGE CATTLE

SCANNED
JUL 27 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16S	26E	28	NW	SW	STOCKWATER	
			SW	NW	STOCKWATER	
			NW	NW	STOCKWATER	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATE BASED UPON UTAH DECREE NUMBERS 477 AND 482.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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): Kim Shanton Date: 4-15-04
_____ Date: _____

State of Idaho)
County of Adair) SS.

Subscribed and sworn (or affirmed) before me this 15 day of April 2004



Vikie Hancock

Notary Public

Residing at Bull, Idaho

My commission Expires 5-7-2009

RECEIVED

JUL 26 2004

Department of Water Resources

2004 JUL 23 PM 2:28

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

Subcases: 43-13343 and 43-13344

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

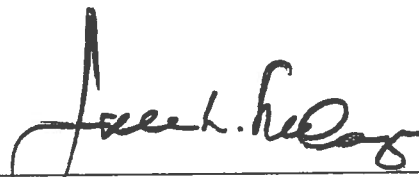
On April 15, 2004, Claimants Jay and Kim Thornton filed *Motions to File Late Notice of Claim* for water rights 43-13343 and 43-13344. Hearing was held on the *Motions* July 30, 2004. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for water rights 43-13343 and 43-13344 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.

IT IS SO ORDERED.

Dated July 23, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

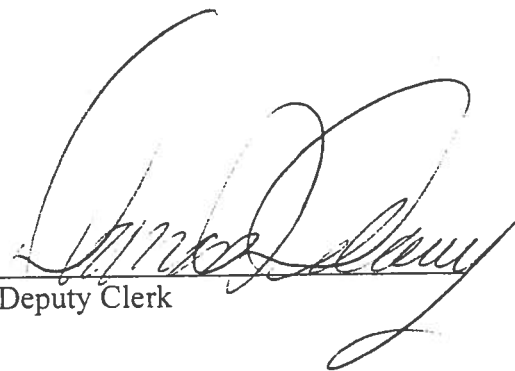
SCANNED
JUL 27 2004

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 July 23, 2004, with sufficient first-class postage to the following:

Jay R Thornton
Kim Thornton
PO Box 635
Malta, ID 83342

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


Deputy Clerk

01/28/2005

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

RIGHT NUMBER: 43-13344
NAME AND ADDRESS: KIM THORNTON
PO BOX 635
MALTA ID 83342

JAY R THORNTON
PO BOX 635
MALTA ID 83342

SOURCE: ONEMILE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1889

POINT OF DIVERSION:
T16S R26E S28 NENWNW End of Stream Flow Within CASSIA County
T16S R26E S28 SENWSW Begin of Stream Flow Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T16S R26E S28	NWNW	T16S R26E S28	SWNW
T16S R26E S28	NWSW		

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13344 V1

WATER RIGHT NUMBER: 43-13344 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIM THORNTON PO BOX 635 MALTA, ID 83342 (208)645-2557
Current Owner	JAY R THORNTON PO BOX 635 MALTA, ID 83342 (208)645-2557

Priority Date: 04/01/1889

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
ONEMILE CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From 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

ONEMILE CREEK	SE1/4NW1/4SW1/4	Sec. 28, Twp 16S, Rge 26E, B.M.
CASSIA County	(Beginning of Reach)	
ONEMILE CREEK	NE1/4NW1/4NW1/4	Sec. 28, Twp 16S, Rge 26E, B.M.
CASSIA 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	
16S	26E	28						X	X				X						

Conditions of Approval:

1. 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.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-13344 V1

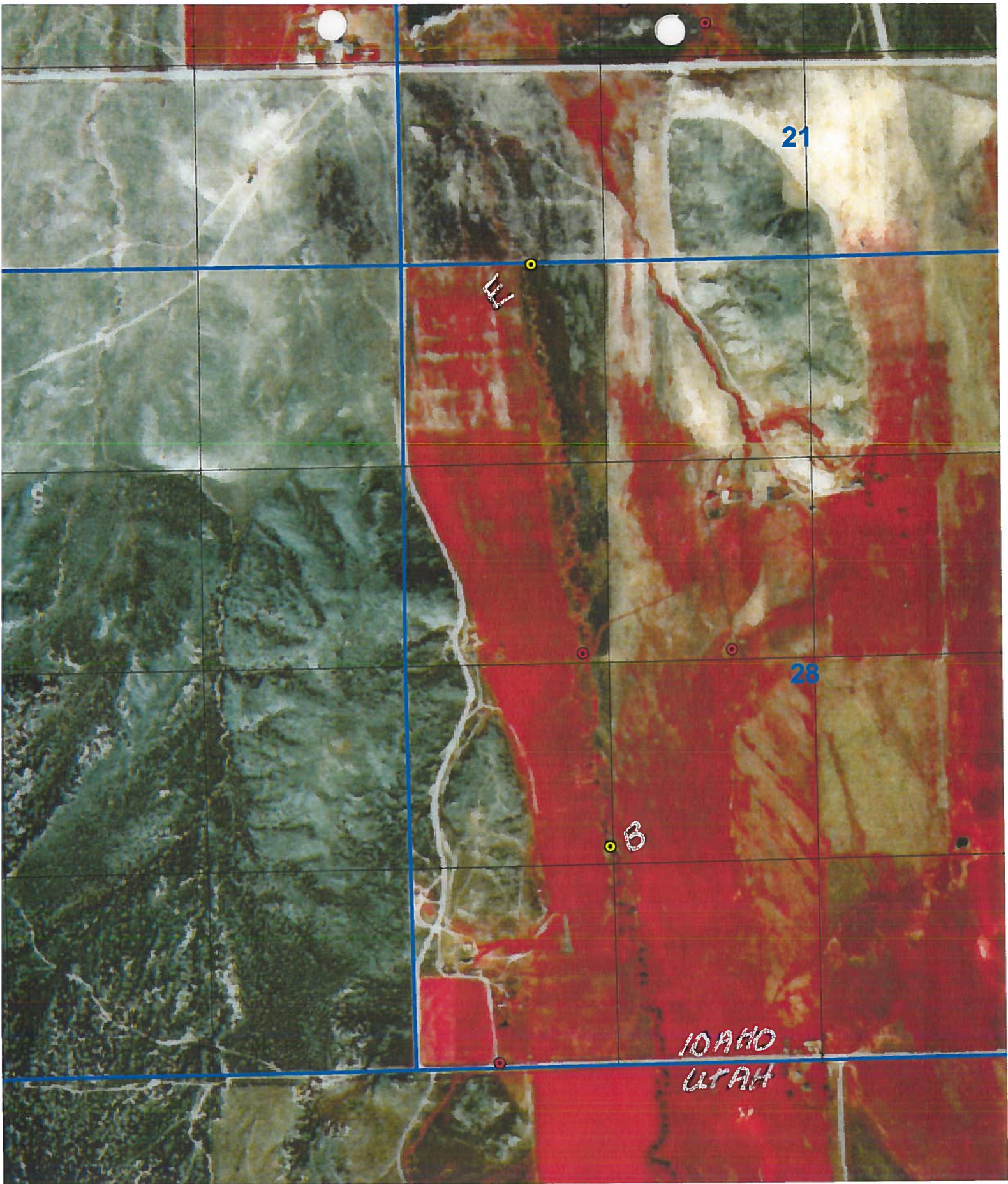
Comments:

1. vhancock 1/28/2005 RECOMMENDATION

Comment: PROOF OF BENEFICIAL USE OF INSTREAM STOCKWATER BASED UPON A 1965 PROPOSED DECREE FROM THE STATE OF UTAH ON ONEMILE CREEK. SEE COPY IN FILE. PROPOSED DECREE ALLOWS YEAR ROUND WATER FOR 41 HEAD UNDER RIGHT #477 AND 40 HEAD UNDER RIGHT #482, PRIORITY DATE 1889. BEGINNING AND ENDING POINTS OF DIVERSION FROM ONEMILE CREEK ARE ON CLAIMANTS PRIVATE LAND IN THE STATE OF IDAHO.

2. vhancock 1/28/2005 LATE CLAIM

Comment: LATE CLAIM GRANTED BY COURT JULY 2004.



INSTREAM STOCKWATER
43-13344

ONEMILE CREEK
T14S, R26E, S28

IN THE DISTRICT COURT OF THE FIRST
JUDICIAL DISTRICT
OF THE STATE OF UTAH
IN AND FOR THE COUNTY OF BOX ELDER

**PROPOSED DETERMINATION OF
BOX ELDER COUNTY**

SNAKE RIVER DIVISION

CODE NO. 11

(Goose Creek, Raft River and Clear Fork)

consider a flow of water as being only a maximum rate of withdrawal from the underground supply and/or surface sources; the real appropriation is the quantity or volume of water actually withdrawn or diverted in acre feet during a calendar year for beneficial purposes.

6. In the instance of irrigation, the field headgate requirement of the land has been considered to be 3.00 acre feet per acre per calendar year, regardless of the source of supply. Annual rainfall is about 11 inches of which nearly 4 inches comes during the frost-free period. Consumptive use or evapotranspiration from the land and crops is considered to be a total of 2.0 acre feet per acre per growing season of which precipitation furnishes 0.3 acre feet, giving a net consumptive requirement of 1.7 acre feet per acre. The balance of 1.3 acre feet per acre reflects the application losses that are considered reasonable for this area at this time. This allowance for application losses varies depending upon economics and the development of the area. Conveyance losses vary with lengths of canals and ditches and with soils. It is recommended that the Court reserve the right to change this liberal allowance for application losses in the interest of full development of the area. Transmission allowances for canals in excess of one mile in length are not included in this proposed determination, but is under consideration and investigation by the office of the State Engineer and will hereafter be the subject of a supplemental report to this Court. In determining the amount required for stockwatering purposes, a water allowance has been made of 5 gallons per day for each sheep, goat, or swine, 25 gallons per day for each cow or horse, and 0.75 gallons per day for each chicken or turkey. For domestic or household use, a water allowance of 650 gallons per day for each family has been made.

7. This proposed determination is intended to cover all existing rights and pending applications initiated in the office of the State Engineer, all within the area described. The rights listed herein, which are founded upon contemplated appropriations of water by subsisting applications filed in the office of the State Engineer, are subject to inclusion in a final decree conditional upon compliance with the terms of the application upon which the respective contemplated appropriations are based and upon compliance with the provisions of the laws of the State of Utah relating thereto and upon proof of appropriation being made to the

State Engineer
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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT

STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF ALL THE RIGHTS
TO THE USE OF WATER, BOTH SURFACE
AND UNDERGROUND, WITHIN BOX
ELDER COUNTY, UTAH
SNAKE RIVER DIVISION

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Comes now, Hubert C. Lambert, as Acting State Engineer of the State of Utah,
and respectfully represents and shows unto this Honorable Court:

1. That the area comprising this general determination proceeding includes
all of the water sources, both surface and underground, in Box Elder County, Utah,
west of the divide separating the drainage area of the Bear River from the drainage
area of the remainder of the county; and the area comprising the Snake River
division of this adjudication (including Goose Creek, Raft River, and Clear Creek
and Vicinity) includes that drainage area north of the divide between Great Salt
Lake drainage area of the Snake River.

2. That on the 24th day of April, 1956, after petition filed by the State
Engineer of Utah in this cause and in the case of Yost v. Tracy, Civil No. 166,
now pending in this court, and Order was made and entered by this Honorable
Court directing that a general determination of water rights be made and that
the George Creek area should be given a first priority.

3. That the State Engineer has followed the provisions and requirements
of Chapter 4 of Title 73, Utah Code Annotated, 1953, and has given and publish-
ed the notices therein required, and has caused summons to be issued and served
and has secured the filing of claims by the users of water in said area and the
filing of disclaimers by property owners whose only use is through irrigation or
water companies or municipalities; that the State Engineer has examined decrees
relating to water rights in Box Elder County, and has searched the files of his
office and the office of the County Recorder in said county, to the end that no
right to the use of water within the said drainage area shall have escaped his
attention; that he has given careful consideration to the claims of the water
users as filed herein, completed his hydrographic surveys, and certified to the
Court the date of completion of said surveys; and that the State Engineer is now

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DETERMINATION OF WATER RIGHTS BOX ELDER COUNTY
SNAKE RIVER DIVISION

CLAIM NO.	NAME & ADDRESS OF CLAIMANT	SOURCE & TYPE OF RIGHT	PRIORITY DATE	FLOW C.F.S.
477	Joseph W. Barnes 1/10 Interest in Flow Naf, Idaho	One Mile Creek Diligence No. 244 Map 7-d	1889	10.00 See Remarks Incid.
482	Parley Y. Montgomery 1/10 Interest in Flow Naf, Idaho	One Mile Creek Diligence No. 272 Map 7-d	1889	 Incid
720	Ervin T. Jones 2/10 Interest in Flow Naf, Idaho	One Mile Creek Diligence No. 248 Map 7-d	1889	10.0 See Rem

DETERMINATION OF WATER RIGHTS BOX ELDER COUNTY, UTAH
SNAKE RIVER DIVISION

ANNUAL WATER ALLOWED		PURPOSE, EXTENT & PLACE OF USE	CLAIMS USED FOR PURPOSE DESCRIBED
FARM HEADGATE	DIVERSION FROM SOURCE		
AC.FT.	AC.FT.		
123.00		IRRIGATION: 14.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 26.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T16S, R26E, BB&M, or a total acreage of 41.0 acres. SEE CLAIM USED FOR PURPOSE DESCRIBED	477
1.15		STOCKWATERING: 40 Cattle, 1 Horse SEE CLAIM USED FOR PURPOSE DESCRIBED	477
123.0		IRRIGATION: 15.3 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$, 25.7 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T16S, R26E, BB&M, or a total acreage of 41.0 acres. SEE CLAIM USED FOR PURPOSE DESCRIBED	482
64.12		STOCKWATERING: 40 Cattle or Horses SEE CLAIM USED FOR PURPOSE DESCRIBED	482
64.8		IRRIGATION: 0.30 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.2 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.1 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T15N, R14W, SLB&M, or a total acreage of 21.60 acres. SEE CLAIM USED FOR PURPOSE DESCRIBED	720

SRBA

SUBCASE SUMMARY REPORT 43-13344

[Return to SRBA Home Page](#)

SRBA
07-29-2004

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 43-13344 FILE#: 00344
CLAIMANT: THORNTON, JAY
PO BOX 635MALTA ID 83342
STATUS: LATE CLAIM TO IDWR SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE:****** PARTIES INVOLVED ******

NO ACTIVE PARTIES TO THE SUBCASE

****** ROA ENTRIES ******

04-15-2004	MOTION TO FILE LATE NOTICE OF CLAIM	MG	07-23-2004
04-16-2004	HEARING SET ON MOTION FOR LATE CLAIM	HS	07-20-2004 0130
05-27-2004	NOTICE CHANGING LOCATION OF HEARING -- MOVED TO SRBA COURTHOUSE, TWIN FALLS	HS	07-20-2004 0130
07-20-2004	HEARING HELD ON MOTION TO FILE LATE CLAIM	HH	07-20-2004 0130
07-23-2004	MINUTES ON HRG TO FILE LATE CLAIM		
07-23-2004	ORDER GRANTING LATE CLAIM		
07-23-2004	LATE CLAIM FORWARDED TO IDWR		07-23-2004

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