

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 ~~BRANAGE BASIN~~
BORDER.

NOTICE OF CLAIM TO A WATER RIGHT

02-7172A
I.D. No. _____ Map No. _____
\$ 10.- _____ 311
Fee Paid _____ Receipt No. _____

Notice is hereby given that Evan E. Kohtz

(Name of Claimant)

Hammett, ID 83627

Telephone No. **366-2466**

(Mailing Address)

(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) October 21, 1974
- (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 <u>5.98 cfs</u> <u>570</u> | Use <u>Irrigation A</u> | Period of Use From <u>2/1</u> <u>3/15</u> | To <u>11/15</u> |
| (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) 570 5.98 cfs TOTAL QUANTITY CLAIMED. HW (Lot 6)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source ① (NE 1/4 SE) _____
Sec. 2, Twp. 6S, Rge. N4E B.M. Elmore County _____
Additional Points: ② NE 1/4 SW 1/4, NW 1/4 SE 1/4, Sec. 2; NE 1/4 SW 1/4, NW 1/4 SW 1/4, Sec. 1, Twp. 6S R8E B.M. NE (Lot 5) (of 6) NE (Lot 5) (of 6)
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give _____
SC/10:
- ① 2720(1) 528.3
② 2720(1) 527.7
③ 2720(1) 527.9
④ 2720(1) 528.7
⑤ 2720(1) 528.5

[illegible]

Total no. of acres 299 ~~299~~ 285

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 Transfer has been filed to change the diversion points. Adds additional
points of diversion.
- (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

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 4/12/83

Right No. 02-7172A

Claimant KONTZ

Recommendation differs from claim:
(Document any differences)

☒ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

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

☒ License & TRANSFER 2522

☐ 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 GOVT. SURVEY PLAT COPY IN FILE

☐ _____

Field Exam Made: ☒ Yes ☐ No Date '79

☐ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File

MEMORANDUM

TO: File 02-7172A

FROM: Don Shaff 

DATE: 4-12-83

SUBJECT: Review Analysis

The examiner for the licensing of this water right did not consider the size of the two government lots in the $N\frac{1}{2}NE\frac{1}{4}$, Sec. 2. He ignored the roads passing down the east side of section 2 and down the west side of the $E\frac{1}{2}E\frac{1}{2}$. Correcting these errors results in an acreage shift but not an acreage reduction. The water right in acreage and diversion rate is reduced because two claims were filed by the current owners for land in the east part of Lot 6, Sec. 2, under parts B & C.

MICROFILMED

AUG 16 1994

RECEIVED
APR 23 1981STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of Applicant JUAN E. KOHTZ
Department of Water Resources
Western Regional Office
Post office address HAMMETT, IDAHOPhone 206-246-2466**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)b. License No. 02-7172 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER4. Date of priority OCT. 21, 1974**5. Water is used for the following purposes:**amount 5.98 cfs for IRRIGATION purposes from FEB. 1 to NOV. 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(month/day - both dates inclusive)

6. Total amount of water under right: a. 5.98 cubic feet per secondb. _____ &/or
acre feet per annum7. Location of original point of diversion is NE ¼ of SE ¼ of Section 2Township 60S Range 8E, B.M., in _____ CountyAdditional points of diversion, if any NE ¼ NW ¼, SEC. 2, TWP. 60S,
RGE. 8E, B.M.**8. Lands irrigated or place of use:**

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
60S	8E	1							40		1.7	1.7							69
		2	4.1	4.2						3.8	1.4	1.4		1.6	1.6			230	

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County

Additional points _____

[illegible]

1. Change in point of diversion

b. Point(s) of diversion NE ^(20, 18) 1/4 SE 1/4 Section 2 Township 6S

Additional points ^(2.3) NE^{1/4}SW^{1/4}, NW^{1/4}SE^{1/4}, Sec. 2; NE^{1/4}SW^{1/4},
^(2.7) NW^{1/4}SW^{1/4}, Sec. 1, Twp. 16S, R6E. 8E, B.M.

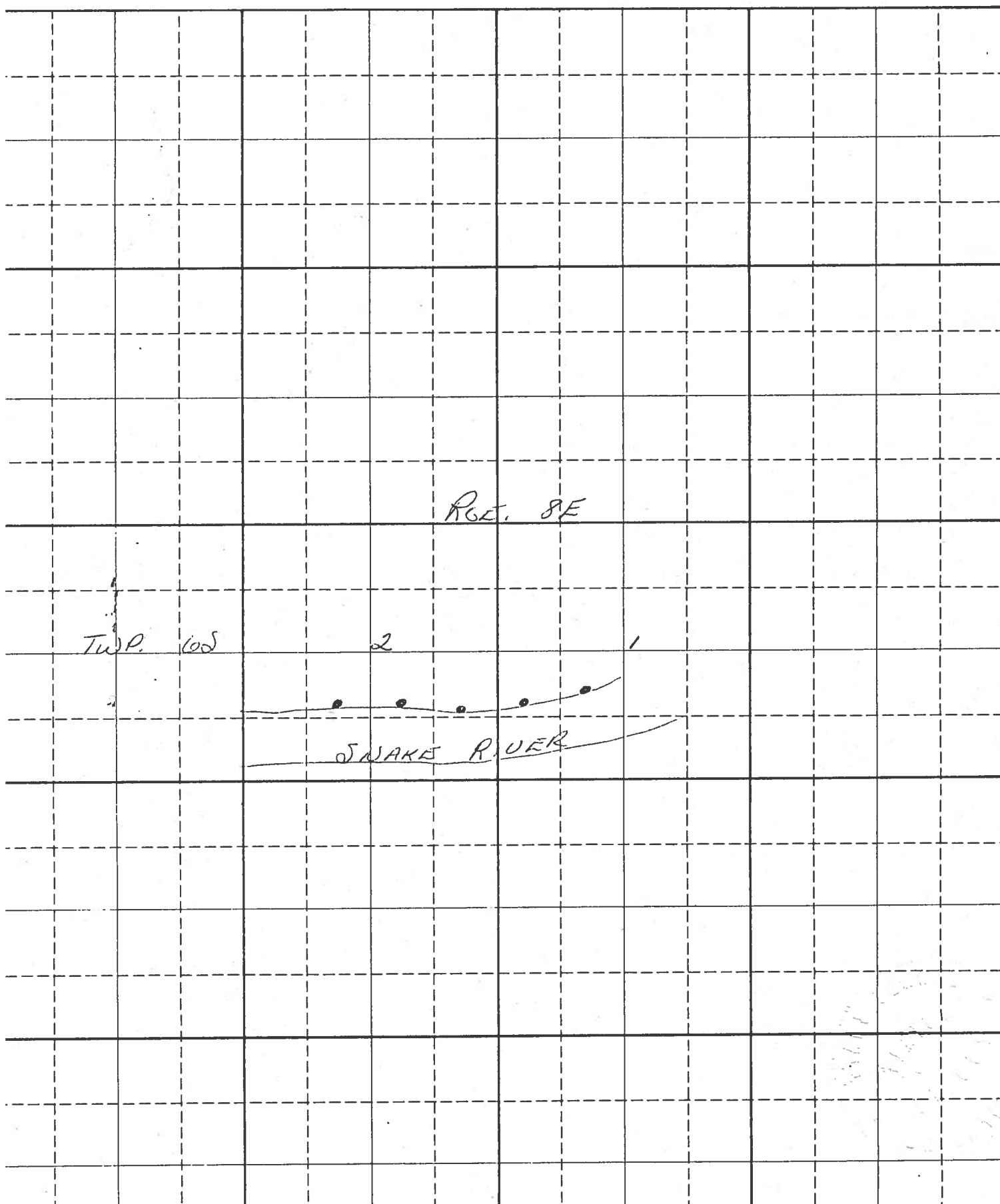
c. Description of diverting works _____

d. Describe the reasons for applying for a change in the point(s) of diversion SOLD LOTS
ALONG THE RIVER & EACH HAS OWN PT. OF DIVERSION.
Each lot will receive share of water right.

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
											1.7	2.7							

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



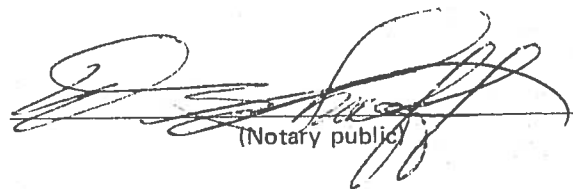
4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.



(Signature of applicant)

Subscribed and sworn to before me this 3 day of MARCH, 1981.



(Notary public)

My commission expires LIFE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 02-7172 and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 16TH day of April, 19 81.



NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

POOR ORIGINAL

T6S R8E

st of the Boise Meridian, Idaho.



POOR ORIGINAL

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7172 Priority October 21, 1974 Amount 5.98 cfs

THIS IS TO CERTIFY, that EVAN E. KOHTZ
of Hammett, Idaho, has complied with the terms and conditions of Permit
No. 02-7172 issued pursuant to Application for Permit dated October 21, 1974
and has submitted proof to the Department of Water Resources on March 2, 1977
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 5.60 cfs of water from Snake River
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from February 1 to November 1	at 5.98 cfs and	1346 acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 5.98 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1346 acre feet per year, said waters to be diverted within the NE1/4SE1/4, NE1/4SW1/4, Sec. 2,
Twp. 6S, Rge. 8E, B.M. in the County of ETMORE

Description and location of place of use:

Description and location of place of use.																			
Twp.	Range	Sec.	N.W.				N.E.				S.W.				S.E.				Notes
			NE 1/4	SE 1/4	SW 1/4	SE 1/4	NE 1/4	SE 1/4	SW 1/4	SE 1/4	NE 1/4	SE 1/4	SW 1/4	SE 1/4					
6S	8E	1							40			5.7	15	15					6S
		2	1	2								1.5					1.6	1.6	27m
			40	40	40	40											15	15	

Total number of acres irrigated 27m

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

POOR ORIGINAL

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

- Name of permit holder Even E. Kohtz
Post office address Hammett, ID 83627 Phone 366-2466
Person to contact _____ Phone _____
- Source of water supply: Groundwater ☐ Surface water ☒ Snake River
(name spring, stream, etc.)
Tributary to _____
- Water will be used for the following purposes:
Amount 6.56 c.f.s. for Irrigation
AF/Annum (nature of use)
Period of Use: from Apr. 1 to Oct. 31
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Amount _____ c.f.s. for _____
AF/Annum (nature of use)
Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)
Other uses: _____
- Total amount to be appropriated:
Max Rate of Diversion 6.56 cubic feet per second and annual volume _____ AF/Annum.
- Location of Point(s) of Diversion:
Township 6S N/S, Range 8E E/W, B.M., Section 2, Subdivision NE 1/4 SE 1/4 E1more
County _____
Township _____ N/S, Range _____ E/W, B.M., Section 2, Subdivision NE 1/4 SW 1/4 _____
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____
County _____
Other Points of Diversions: _____
- Description of diverting works: PUMP & sprinkler system
- Measuring device required: yes ☒ no ☐

Permit No. 02-7172
Examination for 6/4

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	NE 1/4	
6S	8E	1							40		25	20			2	6			93
			2	40	40	40	40			40	36				18	25			279

POOR ORIGINAL

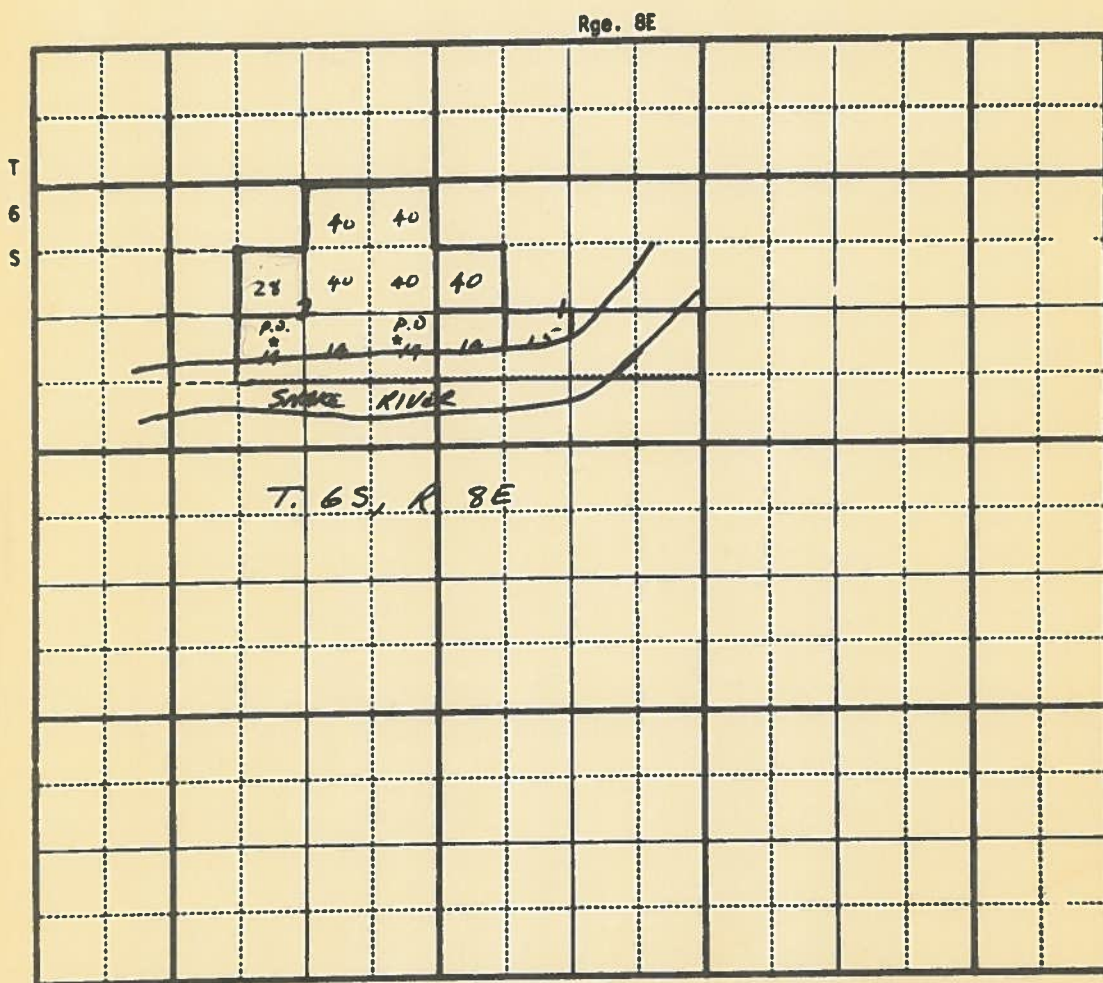


Diagram of System

DATE OF EXAM 7/29/79

ACREAGE

Found 299Recommended 299Irrigation Requirement 9.5 Ac Ft/Ac

USE

Irrigation Q = 5.98 c.f.s. V = 1395.5 Aft/Ann. from 2/1 to 11/1
 Domestic Q = _____ c.f.s. V = _____ Aft/Ann. from _____ to _____
 Livestock Q = _____ c.f.s. V = _____ Aft/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
 twp. _____ N/S, Rge. _____ EW, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____
 County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
 twp. _____ N/S, Rge. _____ EW, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____
 County _____

Point of injection: _____
 twp. _____ N/S, Rge. _____ EW, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____
 County _____

Point of exchange: _____
 twp. _____ N/S, Rge. _____ EW, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____
 County _____

Total Q measured 6.6 cfs Method of measurement FLOW METER
3.9 cfs N/S 75-8-335 ACROMETER HOOD
3.2 cfs N/S 71-10-452 INTEGRATOR HOOD
 Total Q recommended 5.98 Meter No. _____ Type _____ Condition _____

Total V recommended 1395.5 Aft/Ann

Recommended Amendments:

P.D. _____
 Place of Use _____
 Other _____
 None ☒

MEASUREMENT CALCULATION:

$Q_{2.99} = 6.6 \text{ cfs} \times \frac{299}{299} = 6.6 \text{ cfs}$
 $Q = 299 \text{ Aft/Ann} \times (0.02 \text{ cfs/Aft/Ann}) = 5.98 \text{ cfs}$

$V = 299 \text{ Aft/Ann} \times (9.5 \text{ Aft/Ann}) = 1395.5 \text{ Aft/Ann}$
 $V = 5.98 \text{ cfs} \times (1.78) (299 \text{ days/yr}) = 1395.57$

SYSTEM DESCRIPTION:

HE 511 25 hp 115 Motor
 NC 5E 100 hp 115 Motor 10" 200178-581 54-17870
 SPRINKLER, HANDMADE

REMARKS:

EXTENDING PERIOD OF USE IS RECOMMENDED AS NOTED IN AGREEMENT
 LATER FROM E.C. CALSWELL, DIST. COMMISSIONER, N.S.P.A., S.C.S.

POOR ORIGINAL

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

DATE: August 3, 1979

SUBJECT: Evan Kohts Permit #02-7172

TO: State of Idaho
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

*OK per conservation
with Glen &
Paul*

Attn: Charles W. Bryan, Jr.

Mr. Kohts ask that I write to you regarding his request to pump water from the Snake River during the period February first to November first as needed but not to exceed his decreed water right.

Hammett is an area of quite sandy soils, generally underlain by black basaltic sands and gravels. The growing season in this area is quite long (150+ days) with an average annual rainfall around 7 inches.

Because of the above factors it would sometimes be beneficial to irrigate earlier or later or both in some years. This could result in greater crop yields which might or might not offset the increased pumping costs.

The Hammett area receives little or no precipitation in October and early November and a late irrigation is generally beneficial in harvesting crops.

In the spring of 1979, as an example, the Hammett area had 4 rainstorms from January 12 to August 1 which yielded over 0.1 inches of moisture, two of these in March. Early irrigation would have been beneficial for crop production in this instance.

I trust the above information will help you make your decision regarding Mr. Kohts request.

Sincerely yours,

Eugene E. Crisman

Eugene E. Crisman
District Conservationist

cc: Evan Kohts
Box 126
Hammett, Idaho 83627

RECEIVED

AUG 6 1979

Department of Water Resources
Western Regional Office



NOTICE OF CLAIM TO A WATER RIGHT

02-7172	
I.D. No.	Map No.
\$ 10.-	311
Fee Paid	Receipt No.

Telephone No. 266-2466

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

JG