

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 41-10279
Date Received: 2/4/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARRIN BOTT
PO BOX 270
ROCKLAND ID USA 83271

Phone: (208)548-2688

DEBORAH BOTT
PO BOX 270
ROCKLAND ID USA 83271

Phone: (208)548-2688

2. Date of Priority: 06/01/1886

3. Source: EAST FORK ^{Rock} CREEK

Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	31E	5	NE SW SE	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
10S	31E	7	NE NE	IRRIGATION	1
Section Acres					1
Total Acres					1

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

This is a late claim pending acceptance by the SRBA court.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 41-33.

15. Basis of Claim: Decreed

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: 1 - Map

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): *Marvin Best* Date: 2-4-03

_____ Date: _____

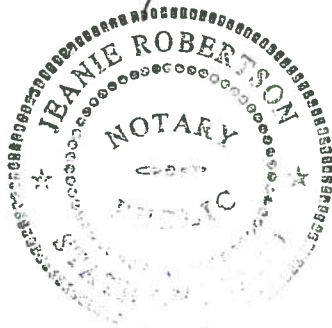
State of Idaho)
County of Twin Falls) SS.

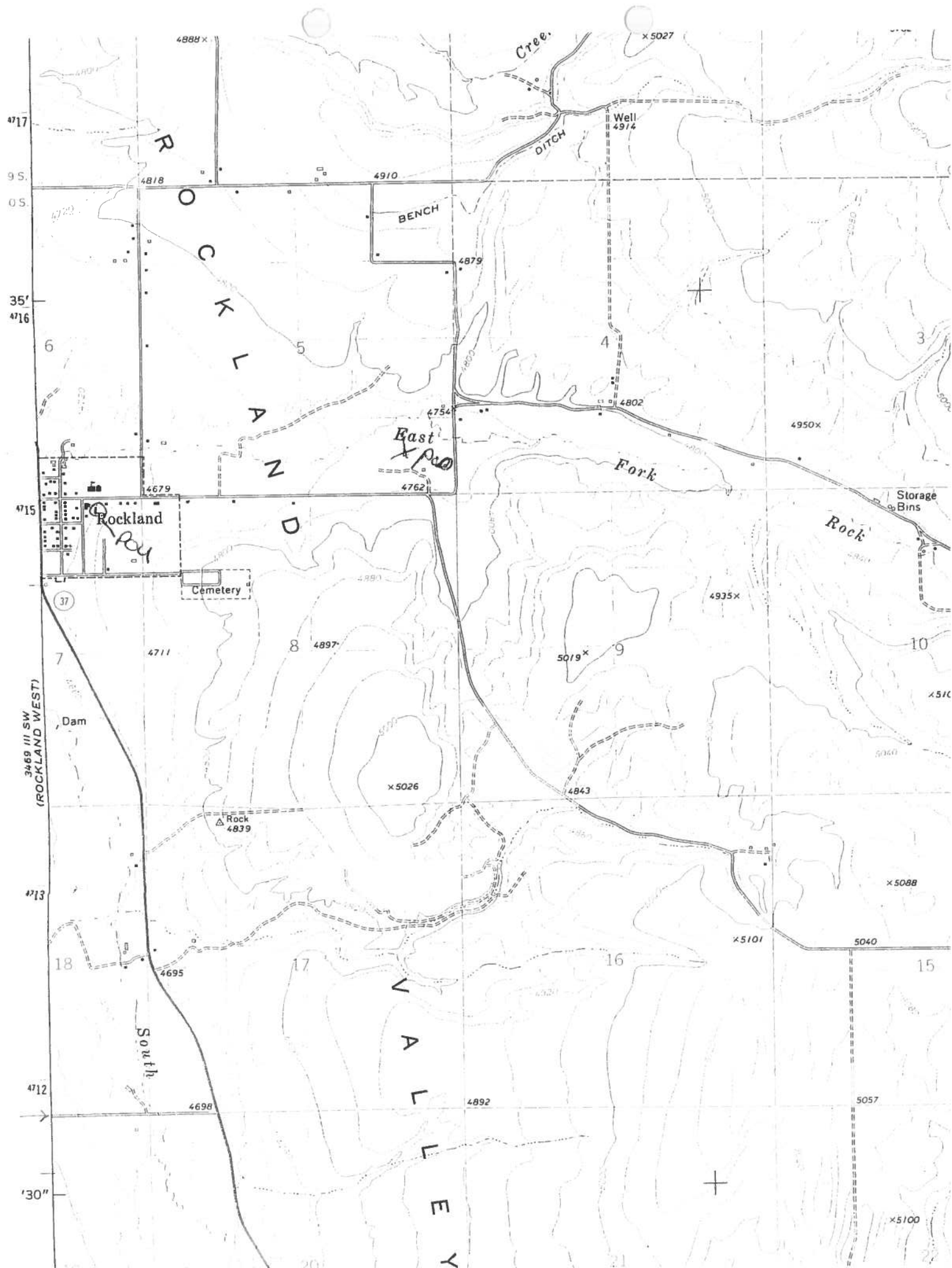
Subscribed and sworn (or affirmed) before me this 4th.
of February 2003

Jeanie Robertson
Notary Public

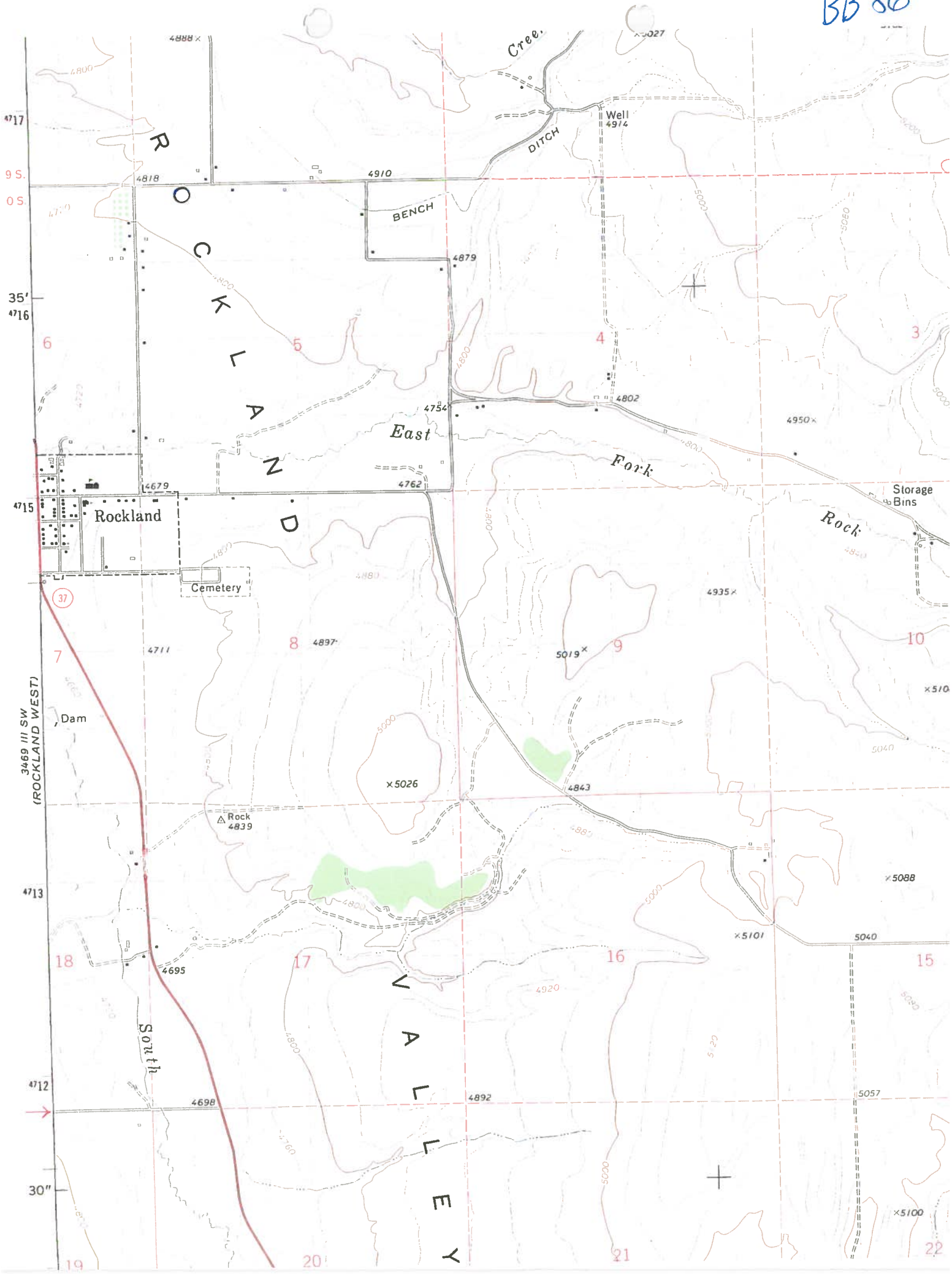
Residing at Twin Falls, ID.

My commission Expires 9-23-06





BB 86



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 41-10279 V1

WATER RIGHT NUMBER: 41-10279 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARRIN BOTT PO BOX 270 ROCKLAND, ID 83271 (208)548-2688
Current Owner	DEBORAH BOTT PO BOX 270 ROCKLAND, ID 83271 (208)548-2688

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK ROCK CREEK	ROCK 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	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

EAST FORK ROCK CREEK	NE1/4SW1/4SE1/4	Sec. 5, Twp 10S, Rge 31E, B.M.
POWER 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	
10S	31E	7	1.0															1.0	

Total Acres: 1

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 41-33.
2. 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.
3. N16 The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by In Re Houtz et al (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a transfer pursuant to I.C. Section 42- 222.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 41-10279 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:
 Owner Name Connector: OR
 Water District Number:
 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>
Contacts	4/9/2007 3:49:27 PM	mvanbussum			Active
Priority Date	4/9/2007 3:50:12 PM	mvanbussum			Active
POD	4/9/2007 3:50:21 PM	mvanbussum			Active
Source	4/9/2007 3:55:00 PM	mvanbussum			Active
POU	4/9/2007 3:55:12 PM	mvanbussum			Active
Use	4/9/2007 3:56:38 PM	mvanbussum			Active
Season	4/9/2007 3:56:53 PM	mvanbussum			Active
Quantity	4/9/2007 3:57:28 PM	mvanbussum			Active
Summary			04/09/2007	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	4/9/2007 3:55:06 PM	mvanbussum	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 41-10279 V1

POU	4/9/2007 3:55:17 PM	mvanbussum	(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?
General	4/9/2007 3:50:16 PM	mvanbussum	(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	4/9/2007 3:56:21 PM	mvanbussum	Updated PLS for Active POU
Use	4/9/2007 3:56:44 PM	mvanbussum	(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? (Yes) 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?
POU	4/9/2007 3:56:07 PM	mvanbussum	Updated shape for Active POU
Season	4/9/2007 3:56:59 PM	mvanbussum	(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? (Yes) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 41-10279 V1

Quantity	4/9/2007 3:57:34 PM	mvanbussum	(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?
Summary	4/9/2007 3:58:35 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	4/9/2007 3:49:32 PM	mvanbussum	(No) 1. Do you want to schedule an appointment?
POD	4/9/2007 3:50:26 PM	mvanbussum	Comment for 1: Desktop review. (Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	4/9/2007 3:54:36 PM	mvanbussum	Updated shape

Water Supply Bank:

SRBA
SUBCASE SUMMARY REPORT 41-10279

[Return to SRBA Home Page](#)

SRBA SUBCASE SUMMARY REPORT HTML12
01-06-2005

SUBCASE: 41-10279 FILE#: 00065
CLAIMANT: BOTT, GARRIN
PO BOX 270

ROCKLAND ID 83271
STATUS: LATE CLAIM TO IDWR SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE:

**** PARTIES INVOLVED ****

NO ACTIVE PARTIES TO THE SUBCASE

**** ROA ENTRIES ****

02-04-2003	MOTION TO FILE LATE/AMENDED NOTICE OF CLAIM	MG	02-04-2003
02-04-2003	HEARING SET/MOTION TO FILE LATE NOT. OF CLAIM	HV	05-19-2003 0130
02-25-2003	HEARING SET/MOTION TO FILE LATE NOT. OF CLAIM	HS	05-20-2003 0130
02-25-2003	NOTICE ON RESETTING MOTION TO FILE CLAIM		
05-20-2003	HEARING HELD	HH	05-20-2003 0130
05-20-2003	COURT MINUTES FILED		
05-28-2003	ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM		
05-28-2003	LATE CLAIM FORWARDED TO IDWR		05-28-2003

[Return to SRBA Home Page](#)

*needs to be
in late claim report!*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 24, 2007

LORRAINE ALFORD MALONE
PO BOX 391
BELLEVUE ID 83313

RE: Application for Permit No. 37-22176

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence.

A legal notice of the application has been prepared for publication in the **Wood River Journal** on **5/2 & 5/9/07**. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. **(May 21, 2007)**

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 41-10279

WATER RIGHT NUMBER: 41-10279

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARRIN BOTT PO BOX 270 ROCKLAND, ID 83271 (208)548-2688
Current Owner	DEBORAH BOTT PO BOX 270 ROCKLAND, ID 83271 (208)548-2688

Priority Date: 06/01/1886

Basis: Decreed

Status: Temporary

<u>Source</u>	<u>Tributary</u>
EAST FORK ROCK CREEK	ROCK 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	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

EAST FORK ROCK CREEK	NE1/4SW1/4SE1/4	Sec. 5,	Twp 10S,	Rge 31E, B.M.
POWER 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	
10S	31E	7	1.0																1.0

Conditions of Approval:Remarks:

1. Explanatory This is a late claim pending acceptance by the SRBA court.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 41-33.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 41-10279

Comments:Dates and Other Information:

Claim Received Date: 2/4/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: OR
Water District Number:
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>
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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

WATER RIGHT NUMBER: 41-33

Current Owner JOSEPH HENRY

, ZZ

Basis: Decreed

Status: **Superseded by Decree**

Tributary

ROCK CREEK

From	To
------	----

Diversion Rate

Annual Volume

IRRIGATION

/ to /

0.500 CFS

Total Diversion: 0.500 CFS

Location of Point(s) of Diversion

EAST FORK ROCK CREEK

SW1/4SW1/4

Sec. 5, Twp 10S, Rge 31E, B.M.

POWER County

Place of Use

IRRIGATION

[illegible]

Conditions of Approval:

Remarks:

1. General

P/U GIVEN IN DECREE AS 25 AC. NORTH OF EAST FORK ROCK CREEK.
USGS MAP SHOWS ONLY 15 AC. NORTH OF EAST FORK IN SESE S16.
GROUND DESCRIBED IN DECREE IS NO LONGER IRRIGATED.
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN ARBITRATOR'S
FINDINGS AND CONCLUSIONS. THE ONLY PARTY LISTED IN PLEADINGS IS H. P.
HOUTZ.

Comments:

1. jpeppers 12/23/2002 11:28:00 AM Water Right

Comment: Water Right No(s) 41 33 superseded by Decree No(s) 41 33A , 41 33B ,

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-33

Dates and Other Information:

Licensed Date:
Decreed Date: 6/6/1903
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 41
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 41-33

WATER RIGHT NUMBER: 41-33

Owner Type Name and Address

Priority Date: 06/01/1886

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
EAST FORK ROCK CREEK	ROCK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

EAST FORK ROCK CREEK	SW 1/4SW 1/4	Sec. 5,	Twp 10S,	Rge 31E, B.M.
POWER 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	
10S	31E	6																	X

Conditions of Approval:Remarks:

1. General P/U GIVEN IN DECREE AS 25 AC. NORTH OF EAST FORK ROCK CREEK.
 USGS MAP SHOWS ONLY 15 AC. NORTH OF EAST FORK IN SESE S16.
 GROUND DESCRIBED IN DECREE IS NO LONGER IRRIGATED.
 THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN ARBITRATOR'S
 FINDINGS AND CONCLUSIONS. THE ONLY PARTY LISTED IN PLEADINGS IS H. P.
 HOUTZ.

***** A41-00033A FOR 6" OR .12 CFS.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 41-33

Dates and Other Information:

Claim Received Date: 4/3/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 41
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