

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 37-21779
Date Received: 6/5/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

REX GARNER
PO BOX 1987
SUN VALLEY ID USA 83353

Phone: (208)578-1327

SHEILA DANIELS GARNER
PO BOX 1987
SUN VALLEY ID USA 83353

Phone: (208)578-1327

2. Date of Priority: 12/31/1970

3. Source: POISON CREEK , POISON CREEK Trib. to: CAMAS CREEK , CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	17E	15	NE NE	CAMAS	
01S	17E	15	NE NE	CAMAS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE			01/01 12/31 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
01S	17E	15	NE	NE	STOCKWATER STORAGE	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

Claim is for 2 stockwater ponds on Poison Creek

15. Basis of Claim: Beneficial Use

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 Individuals:

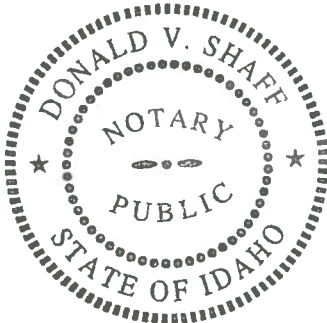
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *R. W. Sun* Date: 6-5-06

Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5th
of June 20 06



[Signature]
Notary Public

Residing at Boise ID

My commission Expires June 10, 2006

6/5/06

Map of ponds drawn by Ex Garner.

Pod → ○

Pod → ○



15

11/02/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-21779

REX GARNER
PO BOX 1987
SUN VALLEY ID 83353
Telephone Number: (208)578-1327

SHEILA DANIELS GARNER
PO BOX 1987
SUN VALLEY ID 83353
Telephone Number: (208)578-1327

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-14-06 SIGNATURE: *Rex Garner Sheila Daniels Garner*
Please print your name: REX GARNER SHEILA DANIELS GARNER

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

06/08/2006

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

RIGHT NUMBER: 37-21779

NAME AND ADDRESS: REX GARNER
PO BOX 1987
SUN VALLEY ID 83353

SHEILA DANIELS GARNER
PO BOX 1987
SUN VALLEY ID 83353

SOURCE: POISON CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/31/1970

POINT OF DIVERSION:

T01S R17E S15 NENENE Within BLAINE County

T01S R17E S15 NENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE: STOCKWATER Within BLAINE County

T01S R17E S15 NENE

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: BASIS OF CLAIM - Beneficial Use

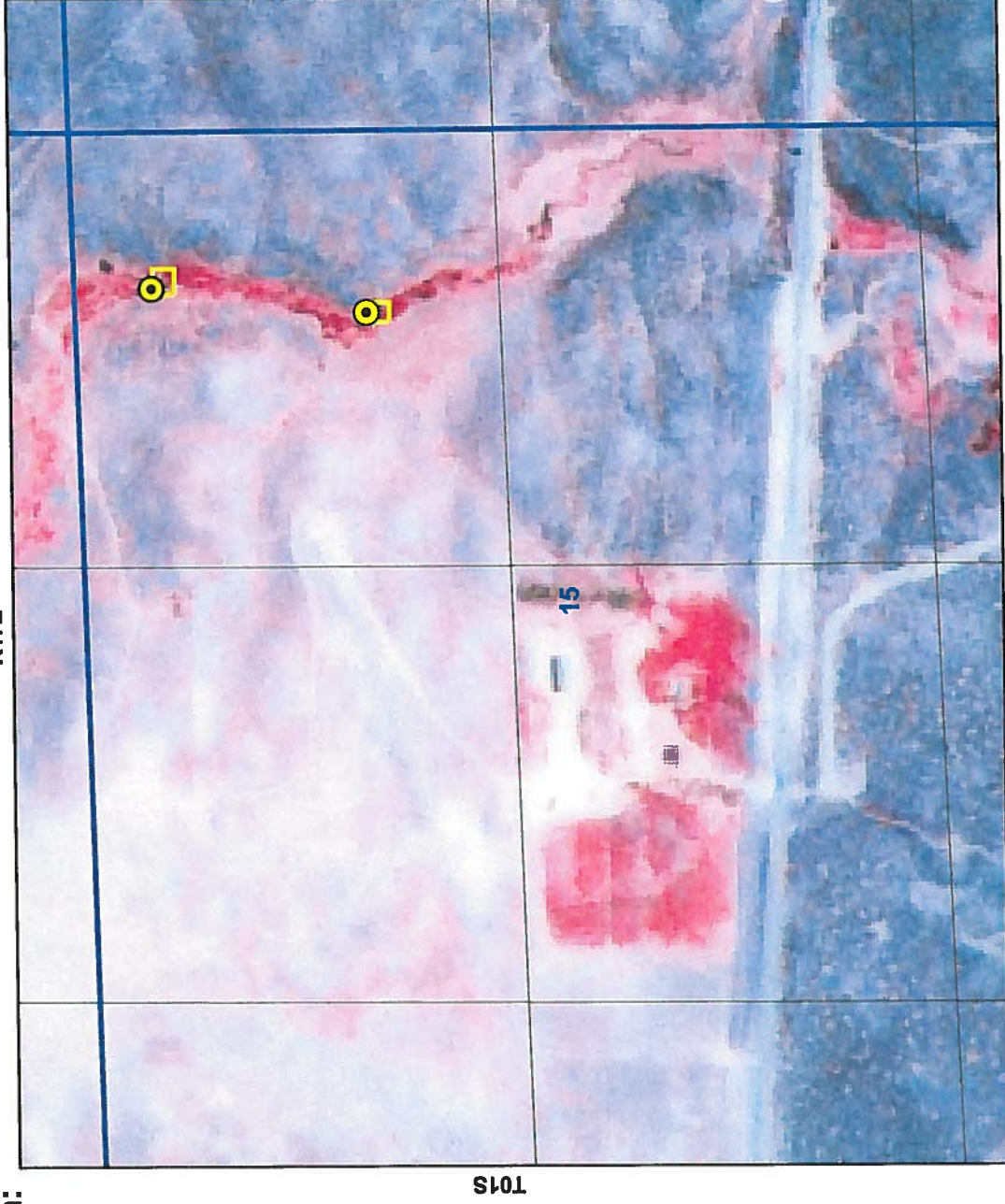


Idaho Department of Water Resources

SRBA Recommendation:

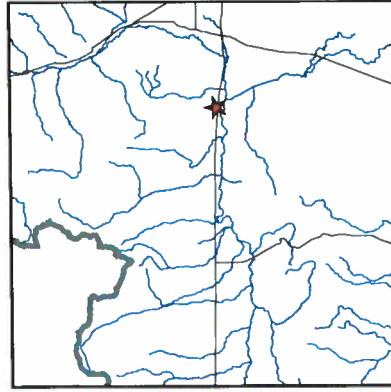
37-21779

R17E



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37



0 0.25 Miles

Prepared by M. Anders
On Tuesday, June 6, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-21779

Background Data

- Beneficial Use Claim
- Source is Poison Creek tributary to Camas Creek
- Claimed for 0.02 cfs for Stockwater

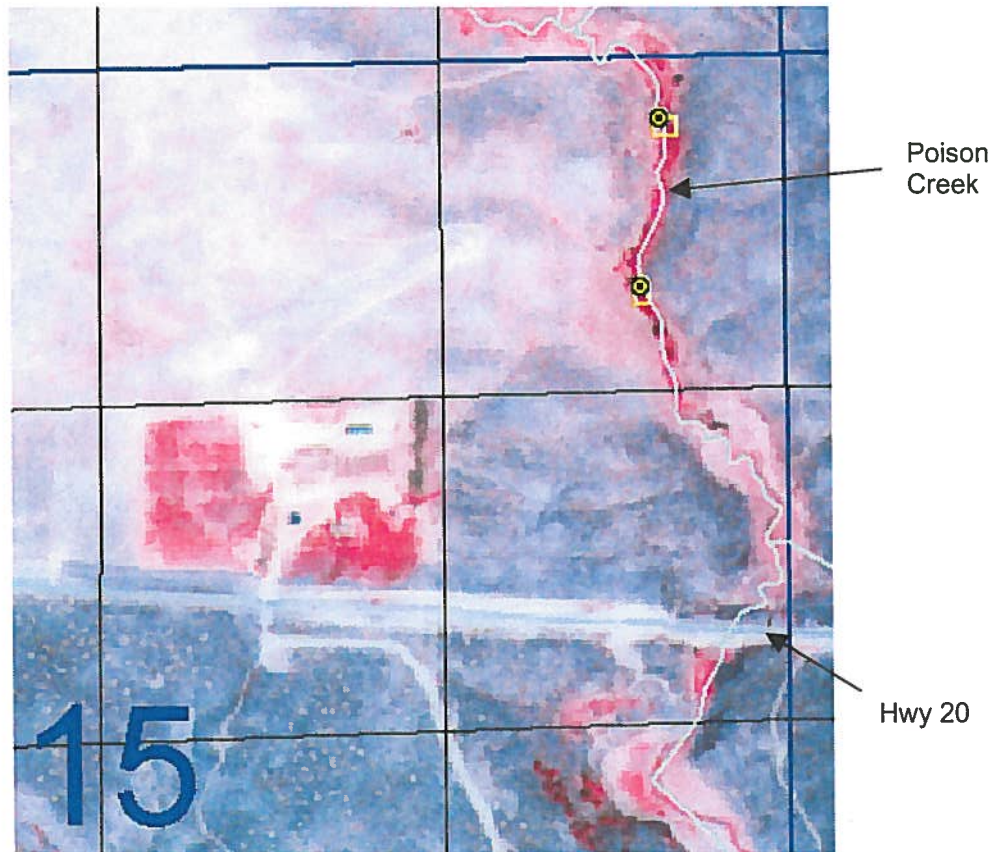
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R17E Section 15

- 11/21/05 – Talked with Rex Garner on telephone. Mr. Garner said livestock drink from Poison Creek in NENE Section 15, and two ponds in Poison Creek that are created by small dams installed by former owner (Lea Vell). He is working on evidence of priority and will send it in.
- 12/14/05 – Talked with Sheila Garner on telephone. Mrs. Garner called to discuss types of evidence of priority. She plans to submit it by January 30, 2006.
- 4/21/06 – Status:
 - Poison Creek Stockwater
 - Need new claim for In-Stream
 - Need priority date, diversion rate, and evidence of priority.
 - Need new claim for stockwater ponds
 - Need priority date, diversion rate, and evidence of priority.
- 6/5/06 – Met with Rex & Sheila Garner at my office. They identified the locations of the stock ponds on Poison Creek and the in-stream section used for stockwater. They submitted an affidavit from Lonnie & Ben LeaVell as evidence of priority stating that the ponds were constructed in 1970 or 1971. Consulted Don Shaff on the affidavit and concluded that the affidavit was acceptable evidence of priority for a beneficial use claim in the SRBA. They reviewed, signed, and paid for new claims 37-21778 and 37-21779.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

LEA VELL CATTLE

Lonnie LeaVell
Cell: (208) 539-0101

P.O. Box 54
GOODING, IDAHO 83330

37-12036
37-21778
37-21779

(208) 934-8543
FAX (208) 934-8879

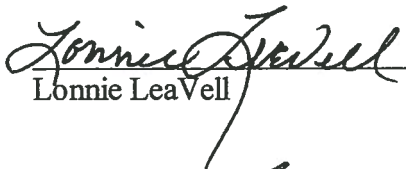
April 24, 2006

Matt Anders
Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

Re: Moonstone Ranch

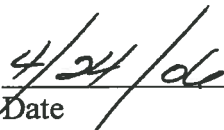
To Whom It May Concern:

To the best of our knowledge the Moonstone Lake/Pond was constructed in 1970 or 1971 and was used for livestock watering, recreation and irrigation of golf course. Poison Creek and pond were used for stock watering. At times there were 4-5,000 head of cattle grazed in that area.


Lonnie LeaVell


Date


Ben LeaVell


Date