

08/01/2002

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

RIGHT NUMBER: 29-13381

NAME AND ADDRESS: CRIS G DAVIS
PO BOX 76
DOWNEY ID 83234

LAURETTA M DAVIS
PO BOX 76
DOWNEY ID 83234

SOURCE: SOUTH FORK REESE CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 12.0 AFY

FACILITY VOLUME 12 AF.

PRIORITY DATE: 11/23/1912

POINT OF DIVERSION:

T11S R36E S26 NWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	12.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	12.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within BANNOCK County

T11S R36E S26 NENE 37.0 T11S R36E S26 NWNE 39.0

IRRIGATION STORAGE same as IRRIGATION FROM STORAGE

76 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 163 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-2219, 29-2155, 29-13381

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 29 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Beneficial Use

3-4 ac ~~surface~~
surface AREA

12 AF/A

NEW CLAIM

50
12
#62

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 29-13381
Date Received: 7/22/2002
Receipt No: EO 27994
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2913381



1. Name of Claimant(s)

CRIS G DAVIS Phone: (208)797-5176

PO BOX 76
DOWNEY ID USA 83234

LAURETTA M DAVIS Phone: (208)797-5176

PO BOX 76
DOWNEY ID USA 83234

2. Date of Priority: 11/23/1912

3. Source: SOUTH FORK REESE CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	36E	26	NW NW	BANNOCK	

5. Description of diverting works:

dam/reservoir storage

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION STORAGE			01/01	12/31
12				
IRRIGATION FROM STORAGE			04/01	10/31
12				

7. Total Quantity Appropriated is:

12 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
11S	36E	26	NE	NE	IRRIGATION FROM STORAGE	
37			NW	NE	IRRIGATION FROM STORAGE	
39						
Section Acres						76
Total Acres						76

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

used with 29-2155- water right file describes pond in field exam

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) [Signature] Date: 7-23-02

_____ Date: _____

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 23 of July 2002 [Signature]

Notary Public

Residing at Rigby, Id
My commission Expires 2/26/2006



Dave

02/08/2003

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: April 21, 2003

Water right number: 29-13381

CRIS G DAVIS

PO BOX 76

DOWNEY ID 83234

Telephone Number: (208) 797-5176

(208) 897-5176

corrected
3/28/03
g.c.

LAURETTA M DAVIS

PO BOX 76

DOWNEY ID 83234

Telephone Number: (208) 797-5176

(208) 897-5176

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:

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

DATE:

3-20-03

SIGNATURE:

Cris G. Davis

Please print your name:

Cris G. Davis

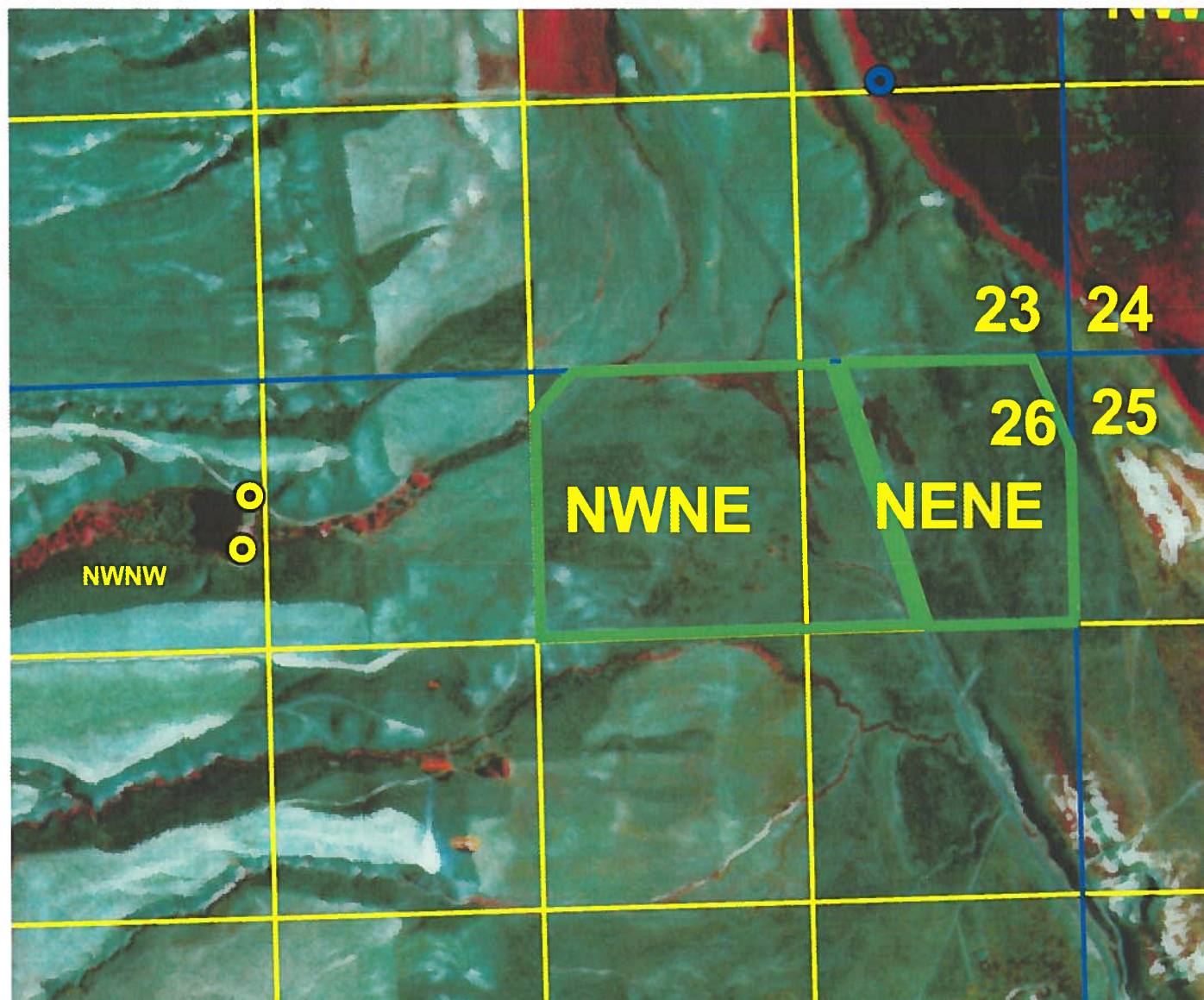
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

113021210
113021210
Department of Water Resources
Idaho Falls, ID

IDAHO DEPARTMENT OF WATER RESOURCES

29-2155, 29-13381

T11S, R36E SEC. 26



ACRES IRRIGATED- 29

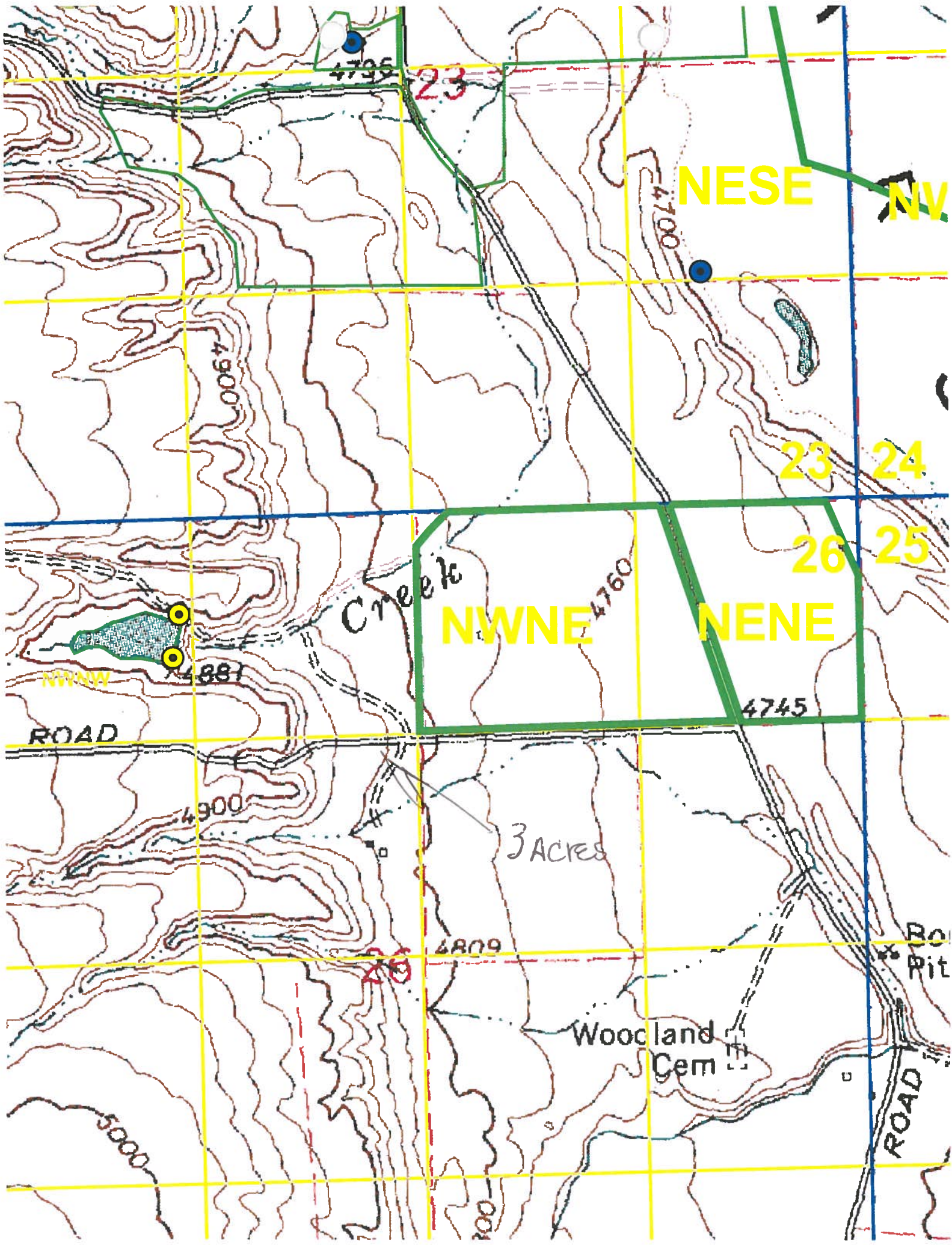


POINT OF DIVERSION



PLACE OF USE

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**



4735

23

NESE

NV

4700

23

24

26

25

NWNE

NENE

NW

4881

ROAD

4900

3 ACRES

4809

26

Woodland Cem

Pit

ROAD

5000

Amount: 29/50 sec.ft.
Use: Irrigation
Priority: Nov. 8, 1912.

STATE OF IDAHO

Water License No. 8875

29-2155

WHEREAS, On the 8th day of November, A. D. 1912, William J. Cottrell, of Arimo, County of Bannock, State of Idaho, duly made application (No. 13380) to me for a permit to use one (1) cubic foot per second of the waters of SOUTH FORK ROOSE CREEK

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 23rd day of November, A. D. 1912, Permit No. 8875 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 23rd day of November, A. D. 1913, and for the application to beneficial use of said water on or before the 23rd day of November, A. D. 1913 and,

WHEREAS, On the 15th day of May, A. D. 1913, William J. Cottrell,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 8875, dated May 24, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one (1) cubic foot per second of said water, with date of priority of November 8, 1912, and

WHEREAS, On the 27th day of June, A. D. 1913, William J. Cottrell,

the holder of said permit, duly made proof of the application to beneficial use of 29/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

William J. Cottrell

of Arimo, County of Bannock, State of Idaho, the holder and owner of said Permit No. 8875, a perpetual right, dating from Nov. 8, 1912 to the use of 29/50 of 1 cubic foot per second of the waters of South Fork of Roose Creek,

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 36, T. 11 S., R. 36 E. B. M., 26 sec plan map.

and conducted to and upon 29 acres divided as follows: 10 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 23, 19 acres in NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, T. 11 S., R. 36 E. B. M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 31st day of October, A. D., nineteen hundred and thirteen.

F. P. KING,

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: William J. Cottrell.

Postoffice address: Arimo

County: Bannock

State: Idaho.

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 1 cubic feet per second.

3. Source of water supply: South Fork of Reese Creek.

4. Location of point of diversion: NW4 NW4 Sec. 26 Twp. 11 S. R. 36 E. B. M.

County of Bannock.

5. To be used for: Irrigation.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 80

acres.

(b) In the following legal subdivisions: SW4 SE4 Sec. 23, NW4 of NE4 Sec. 26 Twp. 11 S. R. 36 E. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$400.00

7. Description of works for diversion:

I. Kind of works: Reservoir, dam, ditch, flume (See remarks #3)

II. Dimensions of works:

[a] Height of dam 9 feet, length of dam at top 140 feet,

length of dam at bottom 50 feet. Material used in construction: wood and earth.

remarks #2.

[b] Capacity of reservoir see acre feet. [c] Size of headgate, width 1 1/6 feet,

Height 5/6 feet. (d) Conduit ditch width at bottom 2 1/6 feet,

width at water line 2 1/2 feet, depth of water 1/2 feet; diameter of pipe

inches; average grade per mile is 100 feet. Length of conduit is 1/4 miles,
and it crosses the following quarter sections: NW4 NW4, in part and NE4 NW4 Sec. 26 Twp. 11
S. R. 36 E. B. M.

8. The time required for the completion of the construction of such work is 1 years.

9. Time required for the complete application of the water to the proposed use is no
additional years.BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public
waters of the State of Idaho as herein set forth.

Wm. J. Cottrell,

Date of first receipt at office of State Engineer : 9.00 a.m. November 8, 1912.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 8875.

Recorded in Book 29 Page 8875 Approved November 23, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before January 22, 1913 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 23, 1913.

The whole of said work to be completed on or before November 23, 1913.

Beneficial use of water appropriated in accordance herewith, to be made on or before November 23, 1913.

Witness my hand this 23rd day of November, 1912.

A. E. Robinson,

State Engineer.

Remarks:

1. The reservoir and point of diversion will be located on government land.

2. The same reservoir mentioned would hold 28 acre-feet of water if the dam mentioned was made 20 feet high and I estimate that with the dam 9 feet high it would hold nearly 1/3 of that amount of water.

3. The only flume used will be a box used to carry the water through under the dam.

Affidavit of holder and fee for proof of completion of works received May 19, 1913.

Certificate of completion of works issued May 24, 1913.

PERMIT NO. 8875.

29-13381

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that William J. Cottrell, of Arimo, County of Bannock, and State of Idaho, the holder of Permit No. 8875, issued upon Application No. 13380 bearing date of priority of November 8, 1912, authorizing the diversion of 1 second foot of the waters of South Fork of Keeso Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1 second foot of the waters of South Fork of Keeso Creek, that the point of diversion of said waters is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, T. 11 S., R. 36 E. B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26 T. 11 S., R. 36 E. B. M., containing 80 acres.

Witness my hand this 24th day of May, A.D. 1913.

F.P. King,

State Engineer of the State of Idaho

Arino, Idaho, Feb. 9, 1918.

For value received I, the undersigned owner and holder of the within Water License, hereby assign and transfer unto James Treasure, of Bannock County, all my rights title and interest in and to the water rights therein mentioned and granted thereby.

William J. Cottrell.

State of Idaho)
) ss.
County of Bannock)

On this 9th day of Feb. 1918, personally appeared before me William J. Cottrell who executed the foregoing instrument and being to me personally known, duly acknowledged to me that he executed the same.

In witness whereof I have hereunto Set my hand and seal the day and year first above written.

Henry J. Nelson,

Notary Public.

Received and filed for record in the office of the State Engineer, at Boise, Idaho, at 9.00 A. M. February 11, 1918.

J. H. Smith,

State Engineer.

(Seal)

REPORT OF ENGINEER

1. State name of applicant and number of permit: Wm. J. Cottrell - Permit 8875
2. State source of water supply: South Fork Reese Creek
3. Location of point of diversion: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 26, T. 11 S., R. 36 E. B.M.
4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: 2.3 ft.
- (b) Width at water line: 2.5 "
- (c) Depth of water: .5 "
- (d) Grade per mile: 100 "
- (e) Capacity of ditch: 1.5 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: About 15 inches running in ditch at present - July 22, 1913.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 23, 40 acres - 10 acres cultivated
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 26, 40 " 19 " "
All in T. 11 S., R. 36 E. B.M. Total — 29 — " "
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:
 In the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 23, there are 9 additional acres
 plowed and ready for water.

STATE OF IDAHO,

County of.....

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this.....day of..... 191.....

My Commission Expires.....

8875

.....
Notary Public.

[illegible]