

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: A72-10171

Date Received: 12/06/1989

Receipt No: 6011592

Received By: *[Signature]*

JAN 10 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

1. Name: SYDNEY M. DOWTON
Address: P.O. BOX 7
ELLIS, ID 83235

Name: KAREN A. DOWTON
Address: P.O. BOX 7
ELLIS, ID 83235

JAN 12 1990
Department of Water Resources
Southern Region Office

2. Date of Priority: JUN 01, 1915

3. Source: SALMON RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	20E	34	NW	SE	NE		CUSTER

Beginning Point	Range	Section	SE	NE	NE	County
16N	20E	34	SE	NE	NE	CUSTER

Ending Point	Range	Section	NW	NW	NW	County
16N	20E	25	NW	NW	NW	CUSTER

5. Description of diverting works:
HEADGATE, PRIVATE DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A72-10171

Page

1

Date: 12/06/89

COPY

MICROFILMED

MAR 18 1993

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	20E	25	NW	NW		STOCK	
			NW	NW	2	IRR	23.0
			SW	NW		STOCK	
			SW	NW		IRR	14.0
						Section Acres	37.0
		26	NE	NE	1	IRR	18.0
			NW	NE		IRR	5.0
			SW	NE		IRR	40.0
			SE	NE		STOCK	
			SE	NE		IRR	37.0
			SE	NW		IRR	17.0
			NE	SW		IRR	39.0
			NW	SW		IRR	10.0
			SW	SW		STOCK	
			SW	SW	9	IRR	28.0
			SE	SW		STOCK	
			SE	SW	7	IRR	2.0
			NE	SE		STOCK	
			NE	SE		IRR	7.0
			NW	SE		STOCK	
			NW	SE	4	IRR	31.0
			SW	SE		STOCK	
						Section Acres	234.0
		35	NW	NW	2	IRR	2.0
						Section Acres	2.0
						Total Acres	273.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE.

14. Remarks:
IN STREAM STOCKWATER USE FROM THE SALMON RIVER IS CLAIMED ON A

14. Remarks: Continued

YEAR ROUND BASIS FOR 500 HEAD OF RANGE CATTLE.

THIS CLAIM IS BASED ON WATER RIGHT 72-04228 AS AMENDED 9/11/1980. THIS CLAIM REPRESENTS THE WAY THE RIGHT IS PRESENTLY USED AND IS AN EXPANSION OF THE ORIGINAL RIGHT. IN STREAM STOCKWATER HAS BEEN ADDED SINCE IT WAS OMITTED ON THE ORIGINAL CLAIM TO A WATER RIGHT. THE AMOUNT OF WATER DIVERTED REMAINS AT 10 CFS.

15. Basis of Claim: STATUTORY CLAIM

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):

Edney M Downton
Shirley A Downton

Date: 12-18-89

Date: 12-18-89

State of Idaho)

County of LEMHI)

SS.

Subscribed and sworn (or affirmed) before me this 18th day
of December 19 89

W. J. Cole
Notary Public

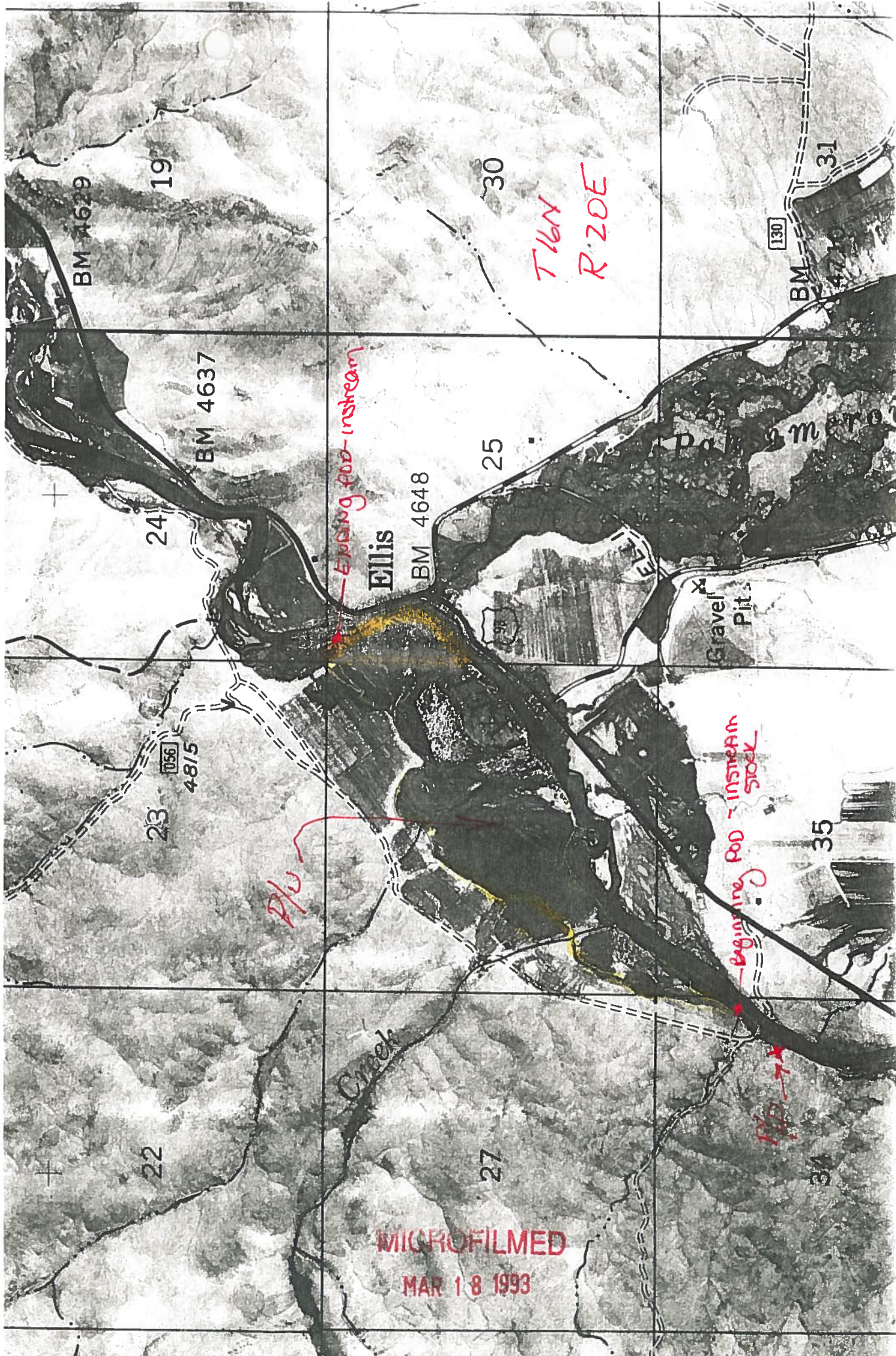
Seal

Residing at

Salmon, Id

My Commission Expires

3/7/94



08/10/2000

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

RIGHT NUMBER: 72-10171

NAME AND ADDRESS: KAREN A DOWTON
SYDNEY M DOWTON
PO BOX 7
ELLIS, ID 83235

SOURCE: SALMON RIVER TRIBUTARY: Snake River

QUANTITY: ~~1.0~~ 0.97 CFS

USE OF THIS RIGHT WITH RIGHT NO. 72-04228 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF ~~5.94~~ 8.91 CFS.

PRIORITY DATE: 06/01/1982

POINT OF DIVERSION: T16N R20E S34 LOT 5 NE NWNENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.0 0.97 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T16N R20E S25	LOT 2	NWNW	6.9 7.8	T16N R20E S26		NWSW	10.7 27
T16N R20E S26		NESW	4 38	T16N R20E S26		SWNW	1 11
T16N R20E S26		SESW	3 39	T16N R20E S26		NWNE	4.6
							31
T16N R20E S26	LOT 1	NENE	7.7 33	T16N R20E S26	LOT 3	SWNE	11.2 21
<u>T16N R20E S26</u>	<u>LOT 4</u>	<u>NESE</u>	<u>13</u>	<u>T16N R20E S26</u>	<u>LOT 7</u>	<u>SESW</u>	<u>2.7</u>
T16N R20E S26	LOT 9	SWSW	0.0 29	<u>T16N R20E S34</u>	<u>LOT 1</u>	<u>NENE</u>	<u>9.1</u>
<u>T16N R20E S35</u>	<u>LOT 2</u>	<u>NENW</u>	<u>3.4</u>				
49.9 265 ACRES TOTAL							

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A
SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04228, 72-
07383 & 72-04069.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 48.7 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

~~THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:~~

WATER RIGHT NO.	SOURCE
NONE	NONE

~~THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:~~

WATER RIGHT NO.	SOURCE
NONE	NONE

~~ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.~~

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 72-
04228 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 48.7 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

08/09/2000

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

RIGHT NUMBER: 72-4069

NAME AND ADDRESS: KAREN A DOWTON
SYDNEY M DOWTON
PO BOX 7
ELLIS, ID 83235

also affects: 72-4228
72-7383
72-10171

SOURCE: ELLIS CREEK TRIBUTARY: Salmon River

QUANTITY: 0.42 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1915

POINT OF DIVERSION: T16N R20E S26 LOT 0 SWSWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.23 CFS
IRRIGATION	04-01 10-31	0.42 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T16N R20E S25 • LOT 2	NE NWNW	7.8	T16N R20E S26	NWNE	31
T16N R20E S26	SWNW	11	T16N R20E S26	SENE	39
T16N R20E S26	NWSW	27	T16N R20E S26	NESW	38
T16N R20E S26 LOT 1	NENE	33	T16N R20E S26 • LOT 3	SE SENE	21
T16N R20E S26 • LOT 4	NE NWSE	13	T16N R20E S26 LOT 7	SESW	2.7
T16N R20E S26 LOT 9	SWSW	29	T16N R20E S34 LOT 1	NENE	9.1
T16N R20E S35 • LOT 2	NE NWNW	3.4			

265 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 21.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04228, 72-07383 & 72-10171.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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: BASIS OF CLAIM - Beneficial Use

*GIS
auto fill on
PLS incorrectly
describes these lots*

*10/2/00
SCC*

PAGE 1

LARRY A. BROWN
SPECIAL ATTORNEY, USDOJ - ENRD
380 PARK CENTER BLVD. #330
BOISE, ID 83706
Ph: (208) 331-5941 FAX: (208) 387-0842

FAX COVER SHEET

September 28, 2000

FROM: FRED PRICE - BLM

TO: STEVE CLELLAND - IDWR SOUTHERN REGION

FAX NO.: (208) 736-3037

RE: MAP PERTAINING TO DOWTON CLAIMS

SUBCASE NUMBER(S): 72-04069, 72-07383, 72-04228 & 72-10171

CLAIMANT(S): SYDNEY & KAREN DOWTON

PAGES TRANSMITTED (including cover sheet): 2

REMARKS:

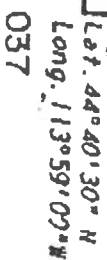
DEAR MR. CLELLAND,

PLEASE REVIEW THIS MAP ASAP AND CALL FRED WITH RESOLUTIONS YOU COME UP WITH. WE WOULD LIKE TO GET THIS CORRECTED AND FILED WITH THE COURT BY 9/29/00, TO VACATE IT FROM THE SRBA CALENDAR. THEY ARE SET FOR HRG. 10/2/00. YOU CNA CONTACT FRED TODAY @ (208) 331-5945.

THANK YOU.

SINCERELY,
JANET ARNEL
LEGAL ASSISTANT
(208) 331-5945

72-04069
72-07383
72-04228
72-10171



כ

5CL

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 72-10171

NAME & ADDRESS: SYDNEY M DOWTON
KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: ~~1.00~~ CFS

USE OF THIS RIGHT WITH RIGHT NO. 72-04228 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF ~~5.94~~ CFS.

PRIORITY DATE: 06/01/1982

POINT OF DIVERSION: T16N R20E S34 LOT 5 (NE/SE)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE: IRRIGATION PERIOD OF USE: 04-01 10-31

PLACE OF USE:

IRRIGATION T16N R20E S25 Lot 2 (NENE) 7.8
S26 Lot 1 (NENE) 7.7 33
SE 21
SE 27
Lot 3 (NENE) 4.8
Lot 9 (SWSW) 0.8
Lot 10 (SWSW) 0.8
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Lot 98 (SWSW) 0.8
Lot 99 (SWSW) 0.8
Lot 100 (SWSW) 0.8

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO. NONE SOURCE NONE
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO. NONE SOURCE NONE
ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 72-04228 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

3.24 Lot 14 NESE 13
4.7 SESE 2.7
S.34 Lot 1 NESE 9.1
S.33 Lot 2 NESE 3.4

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-26-2000
PAGE: A-5

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 72-10171 (CONT)

EXPLANATORY MATERIAL: (CONT)
THIS RIGHT IS FOR AN ENLARGEMENT OF 49.9 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

08/10/2000

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

RIGHT NUMBER: 72-10171

NAME AND ADDRESS: KAREN A DOWTON
SYDNEY M DOWTON
PO BOX 7
ELLIS, ID 83235

SOURCE: SALMON RIVER TRIBUTARY: Snake River

QUANTITY: 0.97 CFS

USE OF THIS RIGHT WITH RIGHT NO. 72-04228 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.91 CFS.

PRIORITY DATE: 06/01/1982

POINT OF DIVERSION: T16N R20E S34 LOT 5 NWNSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.97 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T16N R20E S25	LOT 2	NENW	7.8	T16N R20E S26		NWSW	27
T16N R20E S26		NESW	38	T16N R20E S26		SWNW	11
T16N R20E S26		SENW	39	T16N R20E S26		NWNE	31
T16N R20E S26	LOT 1	NENE	33	T16N R20E S26	LOT 3	SENE	21
T16N R20E S26	LOT 4	NESE	13	T16N R20E S26	LOT 7	SESW	2.7
T16N R20E S26	LOT 9	SWSW	29	T16N R20E S34	LOT 1	NENE	9.1
T16N R20E S35	LOT 2	NENW	3.4				

265 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A
SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04228, 72-
07383 & 72-04069.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 48.7 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.

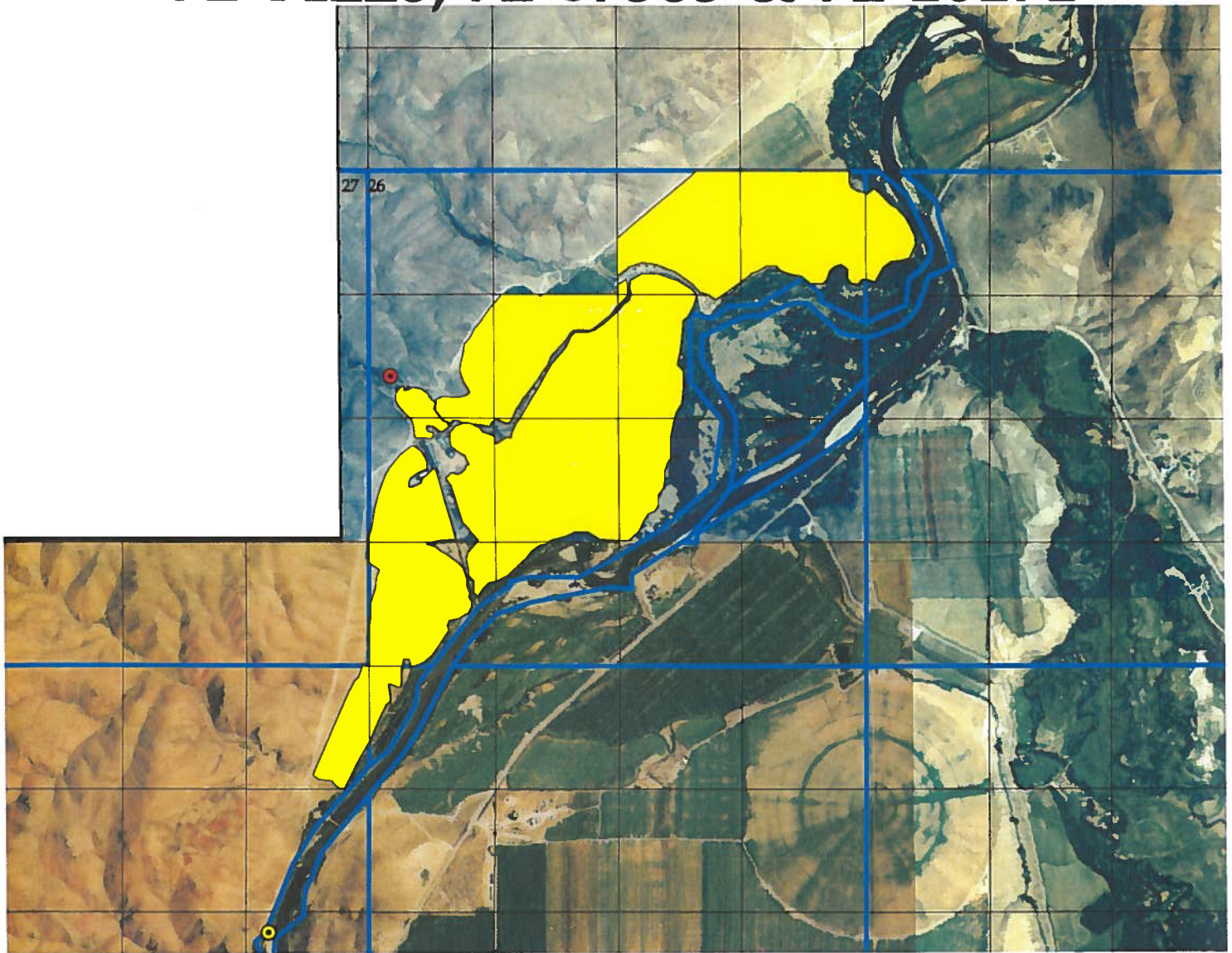
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04228 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 48.7 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

72-04228, 72-07383 & 72-10171

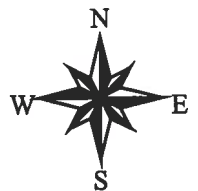


660 0 660 1320 Feet



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 16N
RNG: 20E
SEC: 25, 34, 35 & 26



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: August 10, 2000
*** Revised *** PPU



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SYDNEY M & KAREN DOWTON
PO BOX 7
ELLIS ID 83235

RE: Transfer Application for 72-07383 & 72-10171 (72-04228)

Dear Mr. & Mrs. Dowton,

Enclosed is the Application for Transfer for the above listed rights along with your check #2917 for the fees due. I discussed this Transfer with an agent here in our office who processes the applications and after reviewing the details it appears the situation can be resolved in the SRBA recommendation. I have also discussed the proposal at length with our staff attorney and we agree a SF5 should resolve all issues.

I can recommend all three claims as used within a Permissible Place of Use (PPU). This PPU will allow you to use the rights anywhere within the farming area as designated by the GIS shapes. It will not result in any less water being recommended. This was the end result of the transfer process but this is quicker and cheaper for everyone.

I will be calling Bill Myers to tell him of the change in the resolution of the Objections. If you have further questions on your water right then please feel free to call me.

Sincerely,

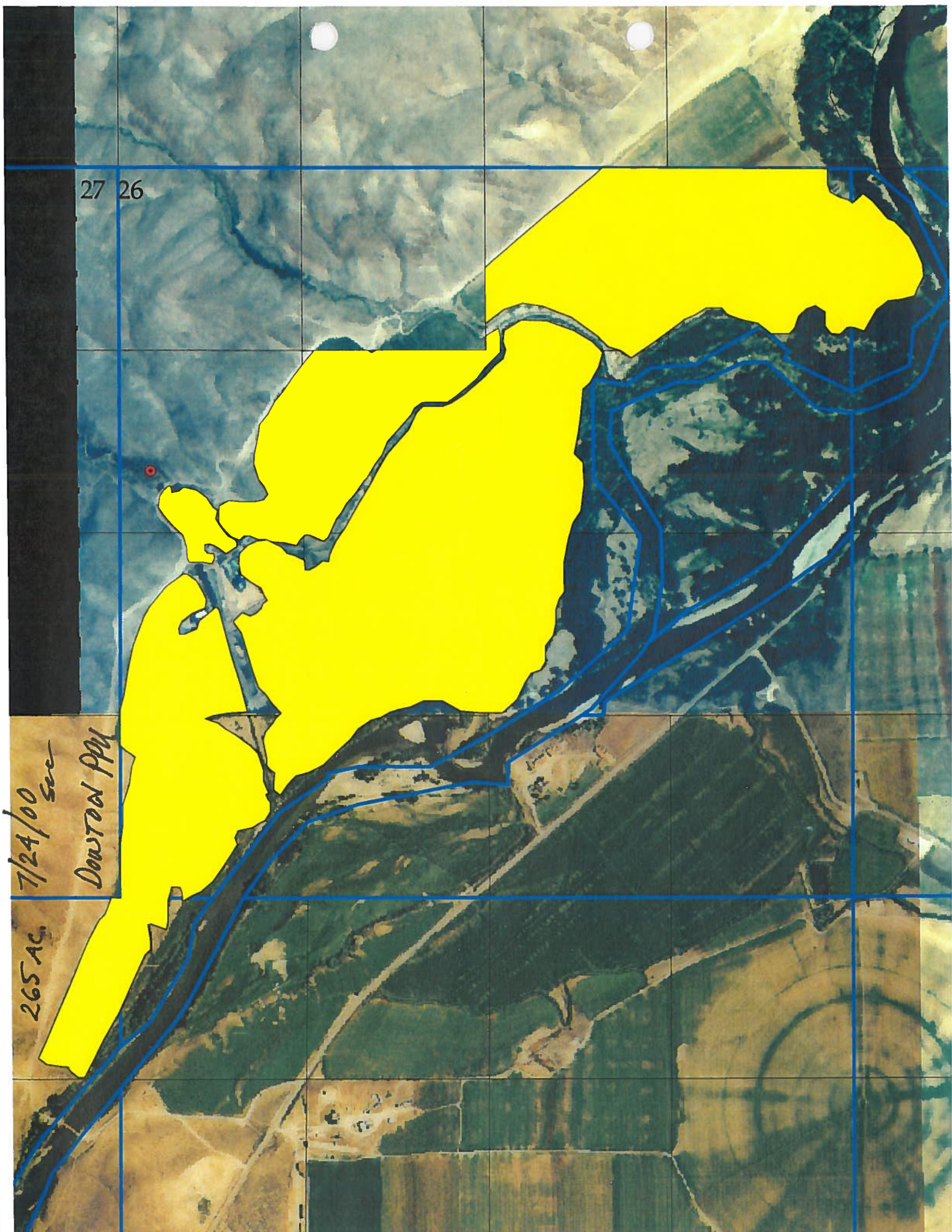
A handwritten signature in black ink, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

Enc:

27 26

7/24/00
265 AC.
Donston Ppt





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SYDNEY M & KAREN DOWTON
PO BOX 7
ELLIS ID 83235

RE: Transfer Application for 72-07383 & 72-10171 (72-04228)

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Enclosed is the Application for Transfer for the above listed rights along with your check #2917 for the fees due. I discussed this Transfer with an agent here in our office who processes the applications and after reviewing the details it appears the situation can be resolved in the SRBA recommendation. I have also discussed the proposal at length with our staff attorney and we agree a SF5 should resolve all issues.

I can recommend all three claims as used within a Permissible Place of Use (PPU). This PPU will allow you to use the rights anywhere within the farming area as designated by the GIS shapes. It will not result in any less water being recommended. This was the end result of the transfer process but this is quicker and cheaper for everyone.

I will be calling Bill Myers to tell him of the change in the resolution of the Objections. If you have further questions on your water right then please feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

Enc:

7/24/00
see

Downton

- 4228

cfs
8.91

ACRES
99 AC

- 10171 (EXP)

0.97 (.02 cfs/ac)

48.7 AC

GEN: K02

EXP: K09

- 7383 (L)

2.35

117.3 AC

(-7506 (P)) .35 cfs 17.7 AC

265 AC

ELLIS CR.

- 4069

0.42

+

21.2 AC

update notes:
8/4/00 see

286.2

= 265 AC

Remarks

POU: K06
E14

* POD of Ditch system:

T16N R20E S34

L15 NE NE SE

RECEIVED

DEC 10 1999

Department of Water Resources

1999 DEC 08 PM 01:22
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

Case No. 39576

) NOTICE SETTING STATUS
) CONFERENCE
)

SUBCASE NOS: 72-04069 72-04228
72-07383 72-10171

— DOWTON —

Please be advised that Special Master THOMAS R CUSHMAN
has set a Status Conference in the above subcase(s)
as follows:

FRIDAY, MAY 19, 2000 at 02:30 PM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Dated: DECEMBER 08, 1999

/S/ TERI HRANAC

Deputy Clerk

Snake River Basin Adjudication

COPY

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

(REGIONAL)

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T16N R20E S34 Lot05(NENESE)

CUSTER County

Place of use Legal Description for: IRRIGATION

		NE			NW			SW			SE								
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE		
T	R S	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
16N	20E 25	---	---	---	---	---	02-06	---	---	---	---	---	---	---	---	---	---	---	---
16N	20E 26	01-07	04	03-11	---	---	01	03	---	04	10	09-.8	---	---	---	---	---	---	---
																		TOTAL ACRES	---
																		---	6.9
																		---	43.0
																		---	49.9

POU County: CUSTER

Other Rights: 72-04228, 72-07383 & 72-04069

Conditions of Approval:

- 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.

Remarks: QN1 USE OF THIS RIGHT WITH RIGHT NO. 72-04228 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.91 CFS.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
PURSUANT TO SECTION 42-1426, IDAHO CODE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 49.9 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates: **Exam Made Date:** **Verified Date:** **Objection Filed Date:**

Misc:	Water District Number:	Field Inspection Flag:

Presumption Flag: E

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A 72-10171

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

1/5/2000 10045 AM

NAME:

KAREN DOWTON

RE:

SET APPT FOR REVIEW

She wants to meet with me to resolve the issues surrounding their claims... I agreed and told her I was currently reviewing their files to sort out what we discussed in Challis earlier. I welcome the chance to review this with them again to be sure I get the details accurate. We set an appt. for 1/11/00 at 8:30 am.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

October 4, 1999

Regarding:

Sidney Dowton Claims
Basin 72

Customer:

Gloria Romero
BLM

[illegible]

Gloria Romero, of the BLM, called to get information on some BLM land in Basin 72 that she believed was being irrigated by Sidney Dowton. They had served Mr. Dowton with a notice of trespass, and he was appealing. I found several claims in Mr. Dowton's name in the area that Ms. Romero was inquiring about, including a license issued by the Department in 1994. I sent her profile reports of the following AJ claims: 72-04069, 72-04228, 72-07383, 72-10171 as well as WR 72-07506. She said that the BLM thought that there was an irrigation well on BLM land that was supplying water to a pivot. I told her that all the claims we had in the area she identified as being close to the well claimed the Salmon River as source. She thought then that maybe what they were seeing was a pump, but not a well. I told her that Steve Clelland, of this office, had reviewed the claims and that if she had more questions about the system, he may be able to help her.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-10171
SYDNEY M. DOWTON
KAREN A. DOWTON
P.O. BOX 7
ELLIS

ID 83235

RE: Evidence of Priority

RESPONSE DEADLINE
MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by May 1, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993

Jones, Doug

Subject: downton
Entry Type: Meeting 

Start: Wed 5/5/99 9:00 AM
End: Wed 5/5/99 1:30 PM
Duration: 4.5 hours

Claimants came in to talk to Steve about the recommendations for 72-04228, 72-04069, 72-10171, and 72-07383. They were referred to me.

We began by reviewing each right with regard to elements and possible problems. Each right appeared to have a concern with acreage and/or acre distribution. They also expressed some concern with priorities and point of diversion description.

I showed them where we had recommended the Salmon River PoD, since their layout did not show it. They described the point as where the headgate and side-channel spill are located. The recommended PoD appears to represent that point. The ditch ~~which~~ was extended upriver from the gate in the 70's or 80's to eliminate a check structure across the river. They were concerned about whether the gate or the ditch entrance was the "point of diversion". I had Allen Merritt consult with them on the matter. The Downton's were concerned that work on the entrance of the ditch was not protected under IDWR rules governing the Stream Channel Alteration program. Allen provided a memo dated 1/14/1999 explaining that work in the ditch and entrance to the ditch appears to be exempt from SCA permit requirements. The Downton's preference is that the PoD remain at the control structure so that the exorbitant losses between the ditch entrance and the control structure are not part of their right.

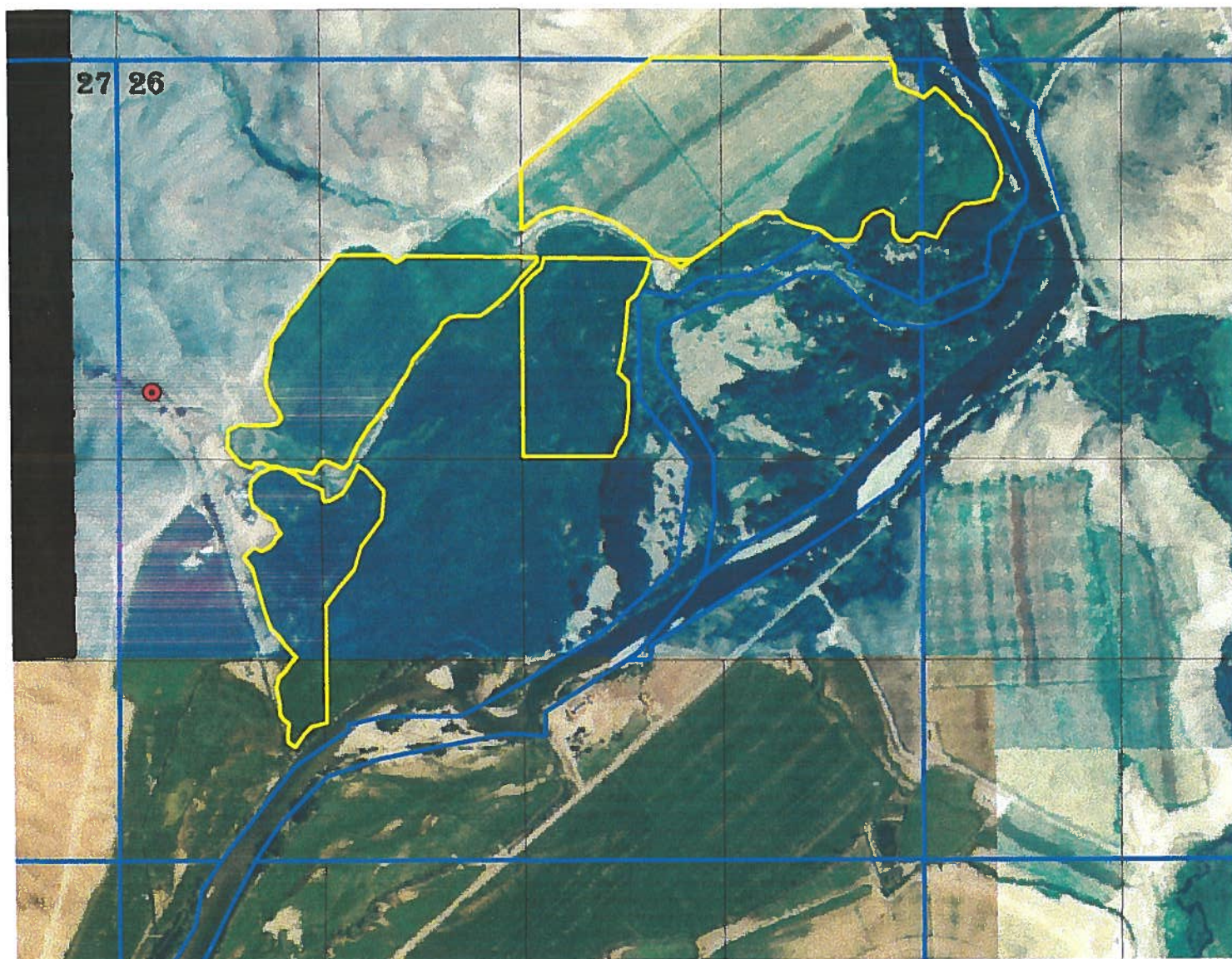
The priority date questions were apparently answered to their satisfaction except for the enlargement right - 72-10171. This right they feel may have partially been completed before the 1971 mandatory permit dates. I explained their burden to provide evidence of priority, etc. I suggested that they do their homework and at the first settlement conference indicate to us how they want their right(s) described.

The biggest area at issue is the number and distribution of acres in each 40-acre tract and under which right. I developed an alternative set of GIS polygons to describe their place. I attempted to isolate areas by delivery mechanism (flood vs sprinkler) and source. I believe they concur with the overall place of use included and boundaries for the polygons. We did not calculate acres per 40 yet. The layout is attached to file 72-04228.

The Downtons wanted me to complete their objections for them. I explained the limitations I have in doing something like that and we talked about the form in general. I encouraged them to object to all the recommendations so that the whole picture could be fitted together. Some areas will be adjusted claim-to-claim so each is a contested matter.

IDAHO DEPARTMENT OF WATER RESOURCES

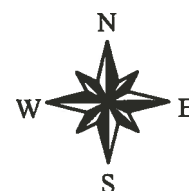
72-10171



660 0 660 1320 1980 2640 FEET

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 16N
RNG: 20E
SEC: 26



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: JAN. 12, 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SYDNEY M DOWTON
KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

RE: Notice of Error/Objection for SRBA claims 72-04228, 72-04069, 72-07383 & 72-10171

Dear Mr. & Mrs. Hansen,

This letter is in response to the Notice(s) of Error (NOE) and the Director's recommendation of the claim(s) listed above. As I said during our phone conversation on 3/26/99 that due to the limited response time, you and I were unable to coordinate a resolution of your concerns before the Director's Report was filed with the SRBA court.

The recommended place of use (POU) was determined from aerial photos, field examinations and documents relating to your water right. I am still willing to review the details of the recommendation of your water rights whenever you and I can schedule another appointment.

If you still disagree with IDWR's recommendations, you should file an Objection to the Director's Report with the court. This Objection form is enclosed for your use. IDWR will work with you to resolve these disputed issues, including efforts to obtain additional data or information.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

NAME: _____

RE:

KAREN DOWTON

CALLIN

APPT. FOR OBJECTION

She called to ask about the right listed from Ellis Creek... I told her how the rights were based on the claim and the field exam for statutory claims and how the recommendation can be objected to by her and her husband. She told me they are coming to TF on Monday and would like to meet and resolve these water rights; she says others are wrong also. I told her that would be the best way to discuss the claims and I am willing to review all the information they have to offer. I apologized for the short time available for responses in the NOE process but offered to meet with them and resolve the rights in the Objection phase. Claims: 72-04228, 72-04069, 72-07383 & 72-10171.

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

DATE: 01/13/99
PAGE: 1

DIVERSION
VOLUME

04-01 10-31	1.00 CFS

TOTAL DIVERSION:	1.00 CFS

Stage: BENEFICIAL USE

CUSTER County

49.9

- CONJUNCTIVELY.

THIS RIGHT IS FOR AN ENLARGEMENT OF 49.9 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

AJ0749NP
No. R72-10171

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/13/99
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	01/13/1999	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	E	Presumption Flag:

=====

INTER-DEPARTMENT MEMO

TO: Doug Jones - Southern

SUBJECT: BLM Trispass

FROM: H.W. Jones - Eastern

DATE: 4-21-95

One of our field men has run into some folks with complaints about Sid Doughton + his developments which trespass on BLM grounds + restrict public access to the River.

This is Just for your info re claims A 72-07583
+ A 72-10171.

RECEIVED

APR 24 1995

Department of Water Resources
Southern Region

☒ For your information

☐ Response required


signature

A 72-07383
A 72-10171
A 73-10038
A 73-04009

INTER-DEPARTMENT MEMO

BLM Trespass

TO: Claims

SUBJECT: BLM

DATE: 4-21-95

FROM: H.W. JONES

There appears to be some considerable trespass onto
BLM Ground which are reflected by parts of the
claims listed above.

Agents in charge of Review of these basins need to be
aware of this when making an R record.

☒ For your information

☐ Response required

H.W. Jones
signature

RECEIVED

APR 24 1995

Department of Water Resources
Southern Region

A. AT CLAIM POINT OF DISPOSITION AND SOURCE:

POINT	TYPE	DATE	REF.	1/A	1/A	1/A	TYPE	NAME
A77-10171	1A	200	25	NU	NU	NU	DISC	DISC
A77-10171	1A	200	2A	NR	NR	NR	DISC	DISC
A77-10171	1A	200	2A	NR	NR	NR	DISC	DISC

NOTE AT CLAIM WITH CAMP AT PTH
A DEPT
A77-04778
NONE

C. SOURCE: CLAIM SOURCE

TYPE: NAME TYPE

D. IS SOURCE OF INFORMATION AND SOURCE:

NOTE: IS NO WATER POINT REPORT WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR REPORT

TYPE: NO TYPE FOR REPORT

F. FROM DATA REPORT

THE TO THE DISCREPANCY (Y/N)
THE TO SOURCE DISCREPANCY (Y/N)
Y
DATABASE
EXAMINER

REMARKS:

