

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 63-32442  
Date Received: 9/15/2006  
Receipt No: W034687  
Received By: lg

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MURIEL G MARTIN Phone: (208)722-5056  
PO BOX 567  
PARMA ID USA 83660

2. Date of Priority: 03/01/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 05N      | 06W   | 13      | SW     | SW     | SE      | CANYON |      |

5. Description of diverting works:

Pond resulting from gravel excavation, pump

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/01 | 12/31 | 0.62   |            |
| STOCKWATER | 01/01 | 12/31 | 0.02   |            |

7. Total Quantity Appropriated is:  
0.62 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:  
Number of other uses: 30

10. Place of use:

| Township | Range | Section | 1/4 of | 1/4 Lot | Use        | Acres |
|----------|-------|---------|--------|---------|------------|-------|
| 05N      | 06W   | 13      | NW     | SE      | IRRIGATION | 3     |
|          |       |         | SW     | SE      | IRRIGATION | 28    |

NW SE STOCKWATER  
SW SE STOCKWATER

Section Acres 31

Total Acres 31

11. Place of use in counties: CANYON

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

13. Other Water Rights Used: 63-23165 for wastewater

14. Remarks:

Claim is result of field exam findings for right 63-23165.

Pond naturally fills in less than 24 hours.

Pond size: .4 acre surface area x 5 ft max depth x .4 coefficient fro slopes =  
.8 af pond volume.

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): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date:

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this

of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

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: 39576Ident. Number 63-32442Date Received 9/15/06Receipt Number W034687

**NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) MURIEL MARTIN Phone (208) 722-5056  
Mailing Address PO BOX 567 PARMA Zip 83660
2. Date of Priority (Only one (1) per claim) 3/1/1962
3. Source of water supply (a) GROUND WATER  
which is tributary to (b) \_\_\_\_\_
4. a. Location of existing point of diversion is: Township 5N Range 6W Section 13,  
SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of CANXON  
Additional points of diversion if any: \_\_\_\_\_
- b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of  
\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. POUD, PUMP

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRR purposes from 3/1 to 11/15 amount .62 or \_\_\_\_\_

For \_\_\_\_\_ purposes from 1/1 to 12/31 amount .02 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .62 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 30 RANGE CATTLE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP       | RNG       | SEC       | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |          |           |       | Totals    |
|-----------|-----------|-----------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|----------|-----------|-------|-----------|
|           |           |           | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4    | SW1/4     | SE1/4 |           |
| <u>5N</u> | <u>6W</u> | <u>13</u> |        |       |       |       |        |       |       |       |        |       |       |       |        | <u>3</u> | <u>28</u> |       | <u>31</u> |
|           |           |           |        |       |       |       |        |       |       |       |        |       |       |       |        | <u>5</u> | <u>5</u>  |       |           |
|           |           |           |        |       |       |       |        |       |       |       |        |       |       |       |        |          |           |       |           |
|           |           |           |        |       |       |       |        |       |       |       |        |       |       |       |        |          |           |       |           |
|           |           |           |        |       |       |       |        |       |       |       |        |       |       |       |        |          |           |       |           |
|           |           |           |        |       |       |       |        |       |       |       |        |       |       |       |        |          |           |       |           |
|           |           |           |        |       |       |       |        |       |       |       |        |       |       |       |        |          |           |       |           |

Total number of acres irrigated 31

11. In which county (ies) are lands listed above as place of use located? CANYON

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
63-23165 or None ( )

14. Remarks: POND NATURALLY FILLS < 24 HRS  
POND SIZE: .4 ac SURFACE AREA X 5 ft MAX DEPTH  
X .4 COEFFICIENT FOR SLOPE =  
.8 AF POND VOLUME

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) Muriel G. Martin Date 9-15-2006

\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

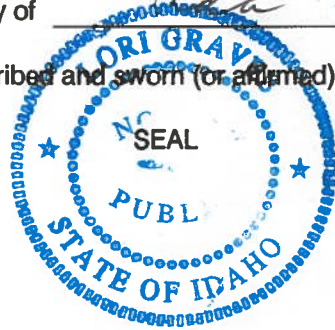
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Ada )

SS.

Subscribed and sworn (or affirmed) before me this 15<sup>th</sup> day of Sept 2006



Notary Public Lori Granger

Residing at Boise

My Commission Expires 6/18/2010

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

RECEIVED

JUL 21 2008

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUL 18 2008

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

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 ) SPECIAL MASTER'S REPORT  
Case No. 39576 )  
 ) FINDINGS OF FACT AND  
 ) CONCLUSIONS OF LAW  
 )  
 ) FOR WATER RIGHT 63-23165  
 ) and 63-32442

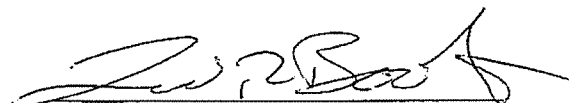
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 19, 2007, the Riverside Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report* for water right 63-23165, asserting that the source of water should be described as wastewater. Water right 63-32442 was identified by IDWR as an uncontested overlapping right. On June 13, 2008, the Riverside Irrigation District filed a *Notice of Withdrawal of Objection*. Accordingly, there are no outstanding objections to these water right claims.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein IT IS RECOMMENDED that water rights 63-23165 and 63-32442 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 18, 2008



Theodore R. Booth  
Special Master  
Snake River Basin Adjudication

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 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-32442

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUL 18 2008

By \_\_\_\_\_

Clerk

Deputy Clerk

NAME AND ADDRESS: MURIEL G MARTIN  
PO BOX 567  
PARMA, ID 83660

SOURCE: GROUND WATER

QUANTITY: 0.62 CFS  
139.50 AFY

The quantity of water under this right for stockwater use shall  
not exceed 13,000 gallons per day.  
This right when combined with Right No. 63-23165 shall provide  
no more than .02 cfs per acre.

PRIORITY DATE: 03/01/1962

POINT OF DIVERSION: T05N R06W S13 SWSWSE Within Canyon County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------|----------------|------------------------|
| Irrigation     | 03-01 TO 11-15 | 0.62 CFS<br>139.50 AFY |
| Stockwater     | 01-01 TO 12-31 | 0.02 CFS               |

PLACE OF USE: Irrigation T05N R06W S13 NWSE 3.0 Within Canyon County  
31.0 Acres Total SWSE 28.0

Stockwater T05N R06W S13 NWSE Within Canyon County  
SWSE

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

RECOMMENDATION

JUL 18 2008

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 63-32442 File Number: 02028

PAGE 1  
Jun-24-2008

DISTRICT COURT - CIVIL  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUL 18 2008

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

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 OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 63-23165  
63-32442

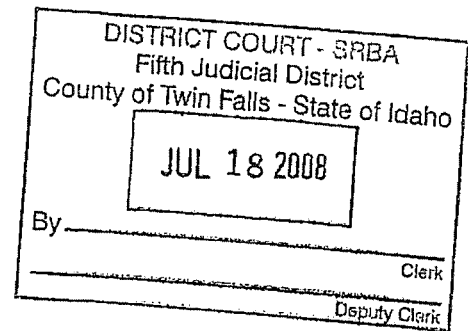
On July 18, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 18, 2008.

  
DIANA R DELANEY  
Deputy Clerk



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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 63-23165  
63-32442

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 18, 2008, with sufficient first-class postage prepaid to the following:

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

RIVERSIDE IRRIGATION DISTRICT

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

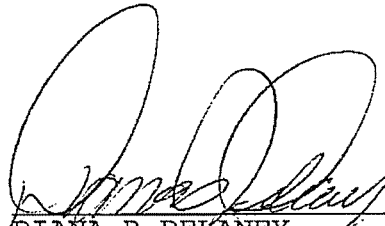
USDI BUREAU OF RECLAMATION

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1  
07/18/08

IVAN G MARTIN  
MURIEL G MARTIN  
PO BOX 567  
PARMA, ID 83660  
Phone: 208-722-5056

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

09/20/2006

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

RIGHT NUMBER: 63-32442

NAME AND ADDRESS: MURIEL G MARTIN  
PO BOX 567  
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.620 CFS  
139.500 AFY

This right when combined with Right No. 63-23165 shall provide no more than .02 cfs per acre.

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

PRIORITY DATE: 03/01/1962

POINT OF DIVERSION:

T05N R06W S13 SWSWSE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/01 11/15          | 0.620 CFS<br>139.50 AFY |
| STOCKWATER            | 01/01 12/31          | 0.020 CFS               |

PLACE OF USE: IRRIGATION Within CANYON County

T05N R06W S13 NWSE 3.00 T05N R06W S13 SWSE 28.00

STOCKWATER Within CANYON County

T05N R06W S13 NWSE T05N R06W S13 SWSE

31 ACRES TOTAL

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  
Stockwater use is for 30 range cattle.



# Idaho Department of Water Resources

## 63-32442

### 05N 06W S13



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated  
Acres: 31.0

500 0 500 Feet



IDWR  
Prepared by: Lori Graves  
Date: 09-20-06  
1986-87 Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32442 V1

WATER RIGHT NUMBER: 63-32442 V1

|                   |                                                                   |
|-------------------|-------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                           |
| Current Owner     | MURIEL G MARTIN<br>PO BOX 567<br>PARMA, ID 83660<br>(208)722-5056 |

Priority Date: 03/01/1962

Basis: Beneficial Use

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/01 to 11/15          | 0.620 CFS             | 139.50 AF            |
| STOCKWATER            | 01/01 to 12/31          | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.620 CFS             | 139.50 AF            |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| GROUND WATER  | SW1/4SW1/4SE1/4 | Sec. 13, Twp 05N, Rge 06W, B.M. |
| CANYON 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   |        |
| 05N | 06W | 13  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0 | 28.0 | 31.0   |

Total Acres: 31

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N | 06W | 13  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  |        |

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. E62 This right when combined with Right No. 63-23165 shall provide no more than .02 cfs per acre.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-32442 V1

3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. 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.
5. X02 Stockwater use is for 30 range cattle.

Remarks:Comments:

## 1. Igraves 9/20/2006 Overlap

Comment: The pond, p/d and p/u were verified during an exam for right 63-23165, which diverts from a separate source for irrigation of the same acres using the same gravity ditch system.

## 2. Igraves 9/20/2006 Pump Capacity

Comment: James Martin stated that a 30 hp International Industrial motor runs the pump and that water is lifted about 7.5 feet from the pond to the ditch. The system uses a 3.25 inch intake pipe and a 6 inch discharge pipe. The only pump information he had was that it has a 7 inch pulley. The motor has a 9 inch pulley. Based on this ratio (7/9 x 30), the pump has about 23 hp input. The following theoretical calculation was used to estimate pump capacity:

$$23 \text{ hp} \times 8.8 \times .50 / 7.5 \text{ lift} + (15 \text{ psi} \times 2.31) = 2.40 \text{ cfs}$$

Efficiency was estimated to 50 percent due to the mismatched system. Psi was estimated a 15 lbs due to the excessive amount of water pushed out the 6 inch discharge pipe..

James stated that the pump is never run full throttle. A ditch capacity of 1.64 cfs measured for right 63-23165 supports this statement.

## 3. Igraves 9/20/2006 Priority

Comment: Muriel Martin and her son James Martin filed this claim during an office visit 9/15/2006 accompanied by a vague affidavit written by Johnson Martin indicating that the pond has been used for irrigation since 1962. James Martin then wrote a statement explaining Johnson Martins relationship to the pond. According to James, the pond is the result of gravel excavation that occurred in 1962, which was unsuccessful because there was too much sand mixed with the gravel. James father then used the water resulting from the pond for irrigation.

## 4. Igraves 9/20/2006 Pond Capacity

Comment: The pond size is estimated at .4 ac surface area x 5 ft deep x .4 coefficient for slopes = .8 af. The pump has an estimated capacity of 2.4 cfs, however, .62 cfs was recommended based on 31 acres irrigated, which can fill/empty a .8 af pond in less that 24 hours. James Martin stated that the pond is always full and has never drained when used for irrigation. The pond naturally fills with ground water.

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:

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:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32442

WATER RIGHT NUMBER: 63-32442

Owner Type                      Name and Address  
 Current Owner                  MURIEL G MARTIN  
                                          PO BOX 567  
                                          PARMA, ID 83660  
                                          (208)722-5056

Priority Date: 03/01/1962  
 Basis: Beneficial Use  
 Status: Active

Source                                      Tributary  
 GROUND WATER

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 03/01 to 12/31 11/15  | 0.620 CFS             | 139.5                |
| STOCKWATER              | 01/01 to 12/31        | 0.020 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.620 CFS             | 139.5                |

Location of Point(s) of Diversion

GROUND WATER                      SW1/4SW1/4SE1/4                      Sec. 13, Twp 05N, Rge 06W, B.M.  
 CANYON County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 05N | 06W | 13  | NE | NW | SW | SE | 31.0   |
|     |     |     |    |    |    |    | 31.0   |

Total Acres: 31

STOCKWATER

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 05N | 06W | 13  | NE | NW | SW | SE | 31.0   |
|     |     |     |    |    |    |    | 31.0   |

Conditions of Approval:

1. Pond naturally fills in less than 24 hours.
2. Claim is result of field exam findings for right 63-23165.
3. Pond size: .4 acre surface area x 5 ft max depth x .4 coefficient fro slopes = .8 af pond volume.

Dates and Other Information:

Claim Received Date: 9/15/2006

add N08  
 N05  
 X 02  
 E62 - overlapping at  
 1" limit when can

To whom it may concern

In explanation to the <sup>AFFIDAVIT</sup> ~~advised~~. Johnson T. Martin  
was the son of Tommy Martin who dug the pit for  
Ivan Martin for <sup>IRRIGATION</sup> ~~E~~ragion and was being used in 1962.  
Johnson Martin Hunted out of the pit prior to the pumping  
of 1962.

I am the son of Ivan Martin and provide the above  
information.

James A. Martin  
9-15-06

IN 1962 GRAVEL PIT  
ON IVAN MARTIN PLACE  
WAS OPEN UP DUE TO  
MUCH SAND THEN WAS  
STOP & IVAN MARTIN  
STARTED PUMPING WATER  
OF IT

9-12-06

John F. Martin

## MEMORANDUM

TO: ADJUDICATION FILE 63-23165

FROM: DANIEL A. NELSON

DATE: 9/7/06

SUBJECT: FIELD EXAMINATION

On 9/1/2006 I visited the site described in adjudication claim file 63-23165. This claim was filed for irrigation of 40 acres in the SWSE. The actual irrigation was for pastures that ran in out of old cars, construction equipment and other treasures. Even though some of the water may channel through some of the more cluttered spots in the pastures, I couldn't call this actual irrigation. Therefore, I drew place of use where it was obvious where water was being used. The ditch used for irrigation circled the pastures, and did supply a small amount of irrigation in the NWSE. Most of this ground is not suitable for row crops, so pastureland is basically the best use for this ground.

There was no water flowing through the ditch at the time of the exam, but it was obvious that the water had recently flowed onto the ground and that irrigation had occurred just a few days earlier. The water comes onto the property from the west to east through a culvert under the road. The water can be immediately diverted into the first pasture, or continue traveling in the ditch to the east for  $\frac{1}{4}$  miles. The ditch then turns north for approximately  $\frac{3}{8}$  of a mile and meanders west back to a drain.

Most of the ground irrigated is in the SWSE, because the NWSE is very rocky and barely able to sustain sagebrush. However, there are three small pockets on the south side of the ditch that are irrigated when water is available. I included these acres, because they are irrigated grass for the north pasture. With all the acres combined I found a total of 31 acres irrigated. The Manning's formula showed that the capacity of the ditch was 1.64 cfs, which does sound reasonable for this area. Therefore, I would suggest that this claim be recommended for 0.62 cfs, 139.5 afa for irrigation use for 31 acres.

**T5N R6W S13**

**NWSE**  
**3 ac**

**NESE**

**SWSE**  
**28 ac**

**SESE**



MANNING EQUATION CHANNEL CAPACITY RESULTS

09-07-2006

File Number: 63-23165

Claimant: Martin

Channel measured: Irrigation/Wastewater ditch

Date of measurement: 9/1/2006

Measurement location:

At the point where ditch crosses under road onto the property or point of diversion.

Calculation prepared by: Dan Nelson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

The upstream and downstream rod readings are 4.36 and 4.64 feet.

The channel cross section is 1.96 ft-sq.

The wetted perimeter is 3.84 feet.

The hydraulic radius is 0.51 feet.

The slope is 0.0028

The roughness coefficient is 0.0600

The flow velocity is 0.839 ft/sec.

The rate of flow is 1.64 cfs.

# CROSS SECTION NUMBER 1

For File Number 63-23165 for the Irrigation/Wastewater ditch

| Number | Rod<br>Reading | Water<br>Depth | Distance |
|--------|----------------|----------------|----------|
| 1      | 0.00           | 0.00           | 0.40     |
| 2      | 1.13           | 1.13           | 1.00     |
| 3      | 1.11           | 1.11           | 1.50     |
| 4      | 1.13           | 1.13           | 2.00     |
| 5      | 0.52           | 0.52           | 2.50     |
| 6      | 0.00           | 0.00           | 2.90     |

The area for this cross section is 1.98 square feet  
and the wetted perimeter is 3.72 feet.

## CROSS SECTION NUMBER 2

For File Number 63-23165 for the Irrigation/Wastewater ditch

| Number | Rod<br>Reading | Water<br>Depth | Distance |
|--------|----------------|----------------|----------|
| 1      | 0.00           | 0.00           | 0.30     |
| 2      | 1.14           | 1.14           | 1.00     |
| 3      | 1.00           | 1.00           | 1.50     |
| 4      | 0.96           | 0.96           | 2.00     |
| 5      | 0.67           | 0.67           | 2.50     |
| 6      | 0.00           | 0.00           | 3.00     |

The area for this cross section is 2.00 square feet  
and the wetted perimeter is 3.77 feet.

# CROSS SECTION NUMBER 3

For File Number 63-23165 for the Irrigation/Wastewater ditch

| Number | Rod<br>Reading | Water<br>Depth | Distance |
|--------|----------------|----------------|----------|
| 1      | 0.00           | 0.00           | 0.40     |
| 2      | 0.32           | 0.32           | 1.00     |
| 3      | 0.87           | 0.87           | 1.50     |
| 4      | 0.90           | 0.90           | 2.00     |
| 5      | 0.82           | 0.82           | 2.50     |
| 6      | 0.55           | 0.55           | 3.00     |
| 7      | 0.38           | 0.38           | 3.50     |
| 8      | 0.00           | 0.00           | 3.80     |

The area for this cross section is 1.90 square feet  
and the wetted perimeter is 4.01 feet.

## MANNING'S "n" (roughness coefficient)

| BASIC "n"<br>CHANNEL MATERIAL                    |      |   |     | CHANNEL OBSTRUCTIONS |      |      |      |            |
|--------------------------------------------------|------|---|-----|----------------------|------|------|------|------------|
| earth                                            | .020 | ✓ | (1) | negligible           | .000 |      | (1)  |            |
| rock                                             | .025 |   | (2) | minor                | .010 | ✓    | (2)  |            |
| fine gravel                                      | .024 |   | (3) |                      |      | .015 |      | (3)        |
| coarse gravel                                    | .028 |   | (4) | appreciable          | .020 |      | (4)  |            |
|                                                  |      |   |     |                      |      | .030 |      | (5)        |
|                                                  |      |   |     | severe               | .040 |      | (6)  |            |
|                                                  |      |   |     |                      | .050 |      | (7)  |            |
|                                                  |      |   |     |                      | .060 |      | (8)  |            |
|                                                  |      |   |     | SURFACE IRREGULARITY |      |      |      | VEGETATION |
| smooth                                           | .000 |   | (1) | low                  | .005 |      | (1)  |            |
| minor                                            | .005 |   | (2) |                      |      | .010 |      | (2)        |
| moderate                                         | .010 | ✓ | (3) | medium               | .015 | ✓    | (3)  |            |
| severe                                           | .020 |   | (4) |                      |      | .020 |      | (4)        |
|                                                  |      |   |     |                      |      | .025 |      | (5)        |
|                                                  |      |   |     | high                 | .030 |      | (6)  |            |
|                                                  |      |   |     |                      | .040 |      | (7)  |            |
|                                                  |      |   |     |                      | .050 |      | (8)  |            |
|                                                  |      |   |     | very high            | .060 |      | (9)  |            |
|                                                  |      |   |     |                      | .075 |      | (10) |            |
|                                                  |      |   |     |                      | .100 |      | (11) |            |
| VARIATIONS IN SIZE AND<br>SHAPE OF CROSS-SECTION |      |   |     | DEGREE OF MEANDERING |      |      |      |            |
| gradual                                          | .000 |   | (1) | minor                | 1.00 | ✓    | (1)  |            |
| occasional                                       | .005 | ✓ | (2) | appreciable          | 1.15 |      | (2)  |            |
| frequent                                         | .010 |   | (3) | severe               | 1.30 |      | (3)  |            |
|                                                  | .015 |   | (4) |                      |      |      |      |            |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-23165 V1

WATER RIGHT NUMBER: 63-23165 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                           |
|-------------------|-------------------------------------------------------------------|
| Current Owner     | IVAN G MARTIN<br>PO BOX 567<br>PARMA, ID 83660<br>(208)722-5056   |
| Current Owner     | MURIEL G MARTIN<br>PO BOX 567<br>PARMA, ID 83660<br>(208)722-5056 |

Priority Date: 03/01/1950

Basis: Beneficial Use

Status: Active

| <u>Source</u> | <u>Tributary</u>  |
|---------------|-------------------|
| WASTE WATER   | SOUTH BOISE DRAIN |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 0.620 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.620 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| WASTE WATER   | SW1/4SW1/4SE1/4 | Sec. 13, Twp 05N, Rge 06W, B.M. |
| CANYON 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   |        |
| 05N | 06W | 13  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0 | 28.0 | 31.0   |

Total Acres: 31

Conditions of Approval:

1. 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.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-23165 V1

Comments:

## 1. Igraves 9/11/2006 Receipt

Comment: Claimant originally paid \$100 for an application for permit, which was then converted to an SRBA claim due to historical use. \$50 was refunded, which was a department error because acreage fees were not retained for the SRBA claim. Based on the circumstances and the lapse of time, the acreage fees will not be pursued per Jan Shurte.

## 2. Igraves 9/11/2006 Pond

Comment: The 1987 aerial photo indicates a pond on the property which is not covered by a water right. Claimants stated in a telecon that the pond was the result of gravel excavation in the early 1960s. The field investigation confirmed that the claimants did not start using the resulting ground water from the pond until after 1963, which requires a water right. Claimants were made aware that they need to file an application for permit.

## 3. Igraves 9/11/2006 Priority Date

Comment: Don Cone submitted an affidavit for the priority date without qualifications. Upon department request, claimants then submitted a letter explaining how Don Cone was qualified to write the affidavit. Priority date was advanced to 1950 based on the affidavit.

## 4. Igraves 9/11/2006 Tributary

Comment: Tributary was clarified to South Boise Drain per the topo map.

## 5. Igraves 9/11/2006 Overlaps

Comment: Claimants verified that they do not have surface water shares from Riverside Irrigation District.

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: S

Owner Name Connector: AND

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:Water Supply Bank:

**T5N R6W S13**

**NWSE**  
**3 ac**

**NESE**

**SWSE**  
**28 ac**

**SESE**



RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 04:07  
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     | ) | ORDER SETTING SUBCASE(S) |          |
|                | ) | FOR INITIAL HEARING      |          |
| Case No. 39576 | ) |                          |          |
|                |   | SUBCASE NOS: 63-23165    | 63-32442 |

The Initial Hearing for this subcase will be held before  
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 26, 2008 at 10:45 AM (MT)  
IDAHO SUPREME COURT BUILDING  
451 WEST STATE STREET  
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to  
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity  
to meet with a representative of the Idaho Department of  
Water Resources (IDWR) and/or the objector in an attempt  
to reconcile any difference between the claim and the  
Director's Report. Bring any and all information you  
believe is relevant to your claim and/or objection. If  
the claim cannot be reconciled at the Initial Hearing,  
the court will set the subcase(s) for trial within 45  
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR  
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by  
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING  
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,  
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

IVAN G MARTIN  
MURIEL G MARTIN  
PO BOX 567  
PARMA, ID 83660  
Phone: 208-722-5056

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