

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 63-32163
Date Received: 8/18/2005
Receipt No: W033297
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

L G DAVISON & SONS INC Phone: (208) 868-3243
1969 PRAIRIE RD
PRAIRIE ID USA 83647-8435

2. Date of Priority: 08/08/1898

3. Source: LONG GULCH CREEK Trib. to: BOISE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	06E	2	SW NE	ELMORE	

5. Description of diverting works:

Rock diversion dam, metal culvert with headgate.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	8.72	
STOCKWATER	01/01	12/31	0.14	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 600 Range Cattle

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02N	06E	2	NE	NW		IRRIGATION	1.1
			NW	NW		IRRIGATION	13
			SW	NW		IRRIGATION	1.1
			SE	NW		IRRIGATION	6.6
						Section Acres	21.8
03N	06E	34	NE	NE		IRRIGATION	8.7
			SW	NE		IRRIGATION	14
			SE	NE		IRRIGATION	25
						Section Acres	47.7
03N	06E	35	NW	NW		IRRIGATION	6.4
			SW	NW		IRRIGATION	26
			NE	SW		IRRIGATION	4
			NW	SW		IRRIGATION	16
			SW	SW		IRRIGATION	5.1
						Section Acres	57.5
						Total Acres	127

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used: 63-97

14. Remarks:

Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek.

15. Basis of Claim: Beneficial Use

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 ALB-32163Date Received 8-18-05Receipt Number W033297

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 18 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) L. G. DAVISON & SONS, INC. Phone (208) 868-3243Mailing Address 1969 Prairie Rd. Prairie, Id. Zip 83644-84352. Date of Priority (Only one (1) per claim) 8/08/18983. Source of water supply (a) Long Gulch Creek
which is tributary to (b) South Fork Boise River4. a. Location of existing point of diversion is: Township 2N Range 6E Section 2,
SW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of E/more

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, 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.Rock Diversion dam. Metal culvert with headgate

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For stockwater purposes from 1/01 to 12/31 amount 0.140 or _____

For irrigation purposes from 3/15 to 11/15 amount 8.72 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.72 (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.) stockwater - 600 range cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
02N	06E	2					1.1	13.0	1.1	6.6									21.8
03N	06E	34	8.7		14.0	25.0													47.7
03N	06E	35					6.4	26.0	4.0	16.0	5.1								57.5

Total number of acres irrigated 127

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

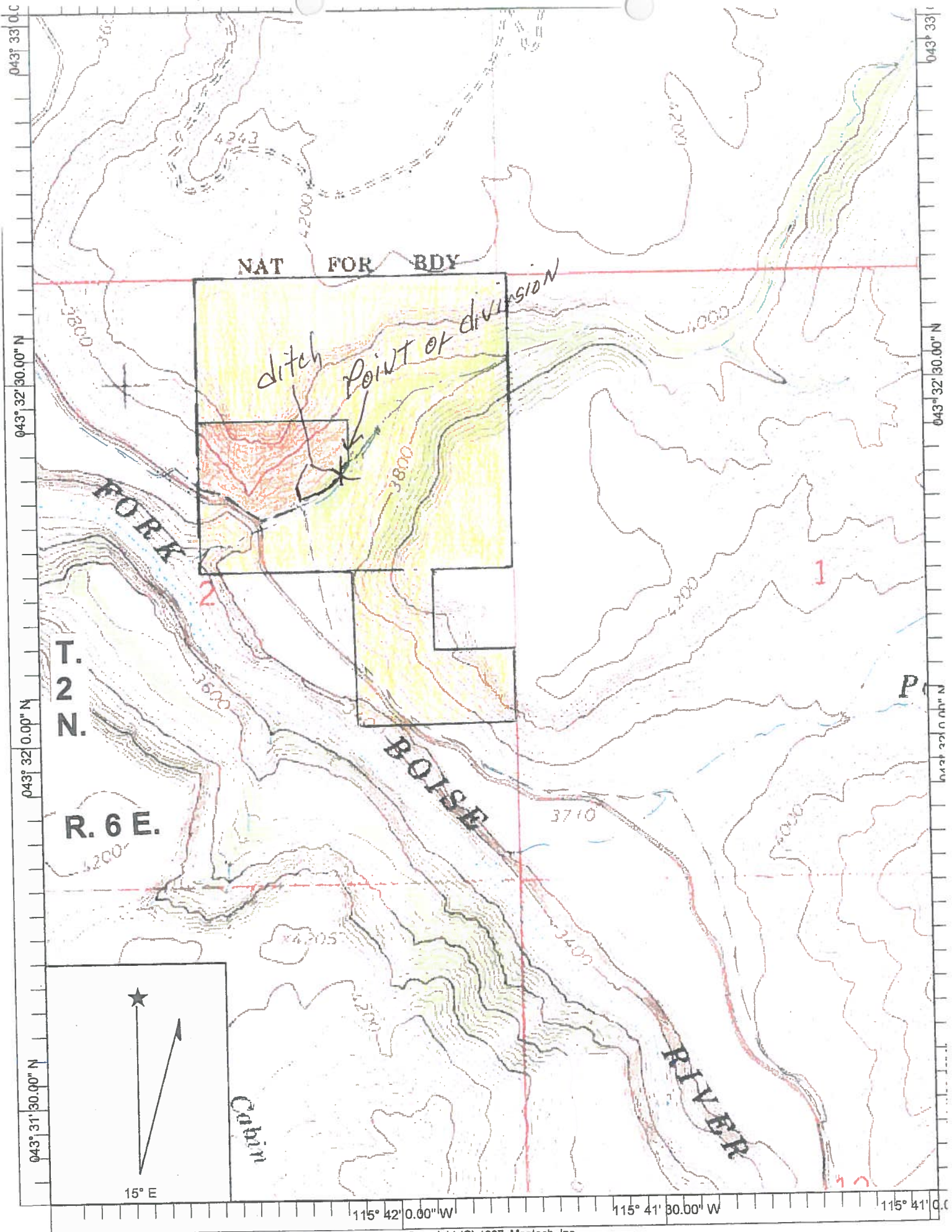
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-97 or None ()

14. Remarks: Historically The water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Cr.

Last Name DAVISON Ident No. _____

Copies: White -State, Yellow-Claimant



15. Basis of Claim (check one) Beneficial Use ☒ 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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
Title

of L. G. DAVISON & SONS, INC
Organization

document in the space below as President of L. G. DAVISON & SONS, INC
Title Organization

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

Signature of Authorized Agent L. E. Harrison

Title and Organization President, L. G. DAVISON & SONS, INC Date 8-16-05

State of Idaho or _____)
County of Canyon) SS.

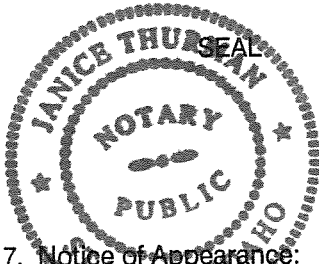
Subscribed and sworn (or affirmed) before me this 16th day of August 192005

Notary Public Janice Thurman

Residing at Caldwell

My Commission Expires 05/06

Please Print Name Janice Thurman



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 _____

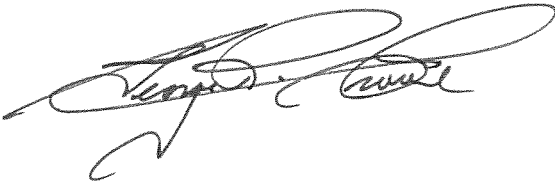
Copies White-State, Yellow-Claimant

To Whom It May Concern:

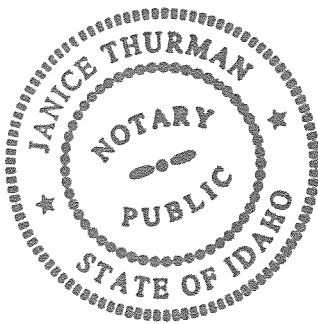
My family owned the ranch at Prairie on the South Fork of the Boise River from 1967^{6 Feb.} until 1973 when we sold it to L.G. Davison & Son's, Inc.

During the time we owned the ranch we used the water from Long Gulch Creek in conjunction with the Smith Creek Water. The diversion and ditch was in place and being used at the time we purchased the ranch.

George Crowe



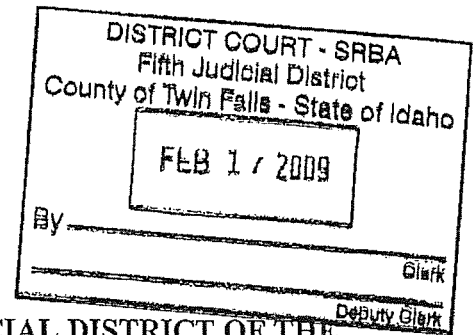
Notary Public Janice Thurman
Commission Expires 05/06
County Canyon



RECEIVED

FEB 18 2009

DEPARTMENT OF
WATER RESOURCES



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 63-32163

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right 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 this water right.

On June 19, 2007, the United States of America, Department of Agriculture, Forest Service, filed an objection to the *Director's Report*, asserting that the place of use should not include Forest Service land. On July 10, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-32163 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

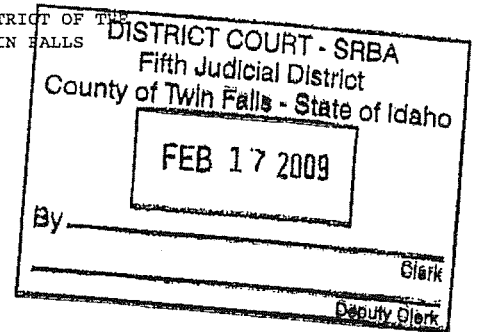
Dated Feb. 17, 2009

A handwritten signature in black ink, appearing to read "Theodore R. Booth".

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32163



NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE, ID 83647-8435

SOURCE: LONG GULCH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 5.34 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.

PRIORITY DATE: 08/08/1898

POINT OF DIVERSION: T02N R06E S02 SWNE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	5.34 CFS
	Stockwater	01-01 TO 12-31	0.14 CFS

PLACE OF USE:

Irrigation		Within Elmore County
T02N R06E S02 LOT 3	(NENW) 1.1	LOT 4 (NWNW)13.0
LOT 4	(SWNW) 1.1	
T03N R06E S34	NENE 8.7	LOT 2 (SWNE)14.0
LOT 1	(SENE)25.0	
S35	NWNW 6.4	SWNW 26.0
	NESW 4.0	LOT 1 (NWSW)16.0
LOT 2	(SWSW) 5.1	
120.4 Acres Total		

Stockwater Within Elmore County
Same as Irrigation

Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.

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

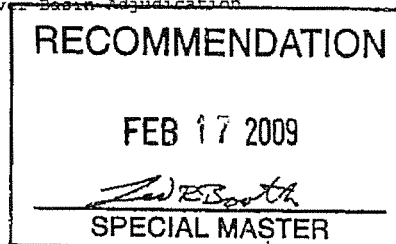
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
The places of use for this water right do not include any federal land.

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.

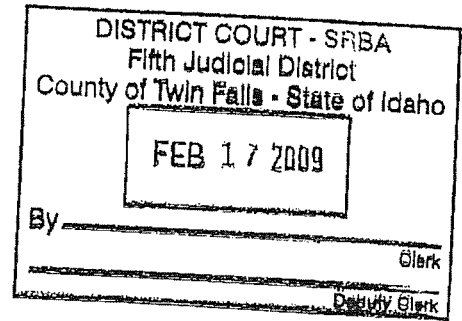
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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FEB 18 2009

DEPARTMENT OF
WATER RESOURCES



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

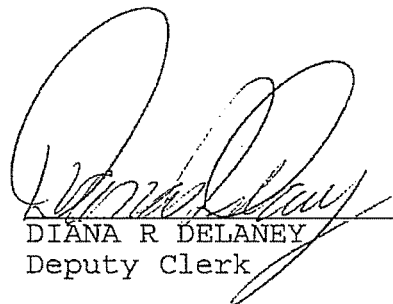
Water Right(s): 63-32163

On February 17, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 February 17, 2009.


DIANA R DELANEY
Deputy Clerk

RECEIVED

FEB 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 17 2009	
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-32163

CERTIFICATE OF MAILING

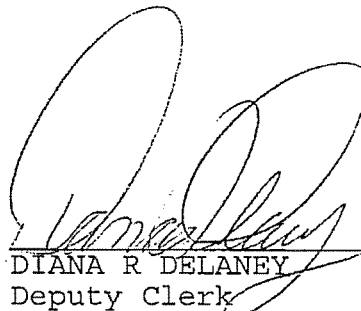
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 17, 2009, with sufficient first-class postage prepaid to the following:

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

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

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE, ID 83647-8435
Phone: 208-868-3243

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
02/17/09

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

RIGHT NUMBER: 63-32163

NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-8435

SOURCE: LONG GULCH CREEK

TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 5.340 CFS

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

Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.

PRIORITY DATE: 08/08/1898

POINT OF DIVERSION:

T02N R06E S2 SWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.140 CFS
IRRIGATION	03/15 11/15	5.340 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T02N R06E S02 Lot 3 NENW	1.10	T02N R06E S02 Lot 4 NWNW	13.00
T02N R06E S02 Lot 4 SWNW	1.10	T03N R06E S34 NENE	8.70
T03N R06E S34 Lot 2 SWNE	14.00	T03N R06E S34 Lot 1 SENE	25.00
T03N R06E S35 NWNW	6.40	T03N R06E S35 SWNW	26.00
T03N R06E S35 NESW	4.00	T03N R06E S35 Lot 1 NWSW	16.00
T03N R06E S35 Lot 2 SWSW	5.10		

STOCKWATER same as IRRIGATION

120.4 ACRES TOTAL

Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

The places of use for this water right do not include any Federal land.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 600 head range cattle.

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, February 12, 2009 3:24 PM
To: 'Ted Booth'; 'tvla@quest.net'
Cc: 'Diana Delaney'; 'Steven M Spencer'
Subject: 63-32163
Attachments: img-212151645.pdf

Special Master Booth and Ron Davison:

Attached is the revised recommendation for 63-32163. The only change made was to delete the remark "Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek".

This remark was removed as it seemed confusing on a right that was for Long Gulch Creek only. The Davison's do have a decreed right for Smith Creek under 63-97. I did speak with Ron Davison and he agreed it would not matter if the remark was on the right or not.

Thanks to everyone for their patience.

Jan Shurte
Adjudication Supervisor
IDWR, Western Region Office
(208) 334-2190

2/12/2009

Shurte, Jan

From: Diana Delaney [ddelaney@srba.state.id.us]
Sent: Thursday, February 12, 2009 1:26 PM
To: Shurte, Jan
Cc: Steven M Spencer
Subject: RE: 63-32163

Okay. I'll let Special Master Booth know. At the very least, I'll vacate the status conference. Ted won't be back in the office until Monday, so I can say about the SF5. I'll check with him on Monday. Thanks Jan.

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Thursday, February 12, 2009 12:48 PM
To: Diana Delaney
Subject: RE: 63-32163

Hi Diana – I have finally spoken to the claimant and he agreed the remark should be deleted. I just had not emailed SM Booth and Mr. Davison with the revised recommendation. It was my understanding in talking with SM Booth that if I spoke with Mr. Davison and he said ok we would not have to do an amended SF5. Either way, he is ok with deleting the remark. Can you ask if we will need a new SF5. I can get that emailed today if not. Thanks, Jan

From: Diana Delaney [mailto:ddelaney@srba.state.id.us]
Sent: Thursday, February 12, 2009 10:12 AM
To: Steven M Spencer
Cc: Spencer, Nick; Shurte, Jan
Subject: RE: 63-32163

I've got a note that we were expecting an amended SF5. Upon further review, looks like Special Master had a question about the Other Provisions remark regarding historical use of water from Long Gulch. We understood the remark was to be deleted and a new SF5 filed

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Thursday, February 12, 2009 10:00 AM
To: Diana Delaney
Subject: Fw: 63-32163

Diana, like we discussed on the phone - if you can give me an idea of what the special master might be looking for I'll coordinate with IDWR and we'll hopefully be prepared to respond with an answer or appropriate document or what ever the case may be. Thank you.

Steve Spencer
 Water Use Specialist (208) 365-7055
 USDA Forest Service (208) 365-7037 FAX
 1805 Highway 16, Room 5 e-mail: sspencer@fs.fed.us
 Emmett, ID 83617

----- Forwarded by Steven M Spencer/R4/USDAFS on 02/12/2009 09:56 AM -----

"Spencer, Nick" <Nick.Spencer@idwr.idaho.gov>

To "Steven M Spencer" <:sspencer@fs.fed.us>

02/11/2009 04:31 PM

cc <david.negri@usdoj.gov>, "Ridgeway, Renea" <Renea.Ridgeway@idwr.idaho.gov>,
 "Williams, Ray" <Raymond.Williams@idwr.idaho.gov>

2/12/2009

Subject RE: 63-32163

Steve, I don't know and probably won't have time to investigate until about March 2nd. I suggest you call Diana Delaney at the Court and ask her. She would know why, and if it's a mistake she could rectify it. NBS

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Wednesday, February 11, 2009 4:23 PM
To: Spencer, Nick; Egbert, Sandy
Cc: David.Negri@usdoj.gov
Subject: 63-32163

Hi everyone. I show that an SF5 was filed for subcase 63-32163 in July of 2008. Does anyone know what the need for a status conference 3/3/09 might be? I'm just trying to anticipate and be prepared.

Steve Spencer
Water Use Specialist (208) 365-7055
USDA Forest Service (208) 365-7037 FAX
1805 Highway 16, Room 5 e-mail: sspencer@fs.fed.us
Emmett, ID 83617

2/12/2009

Shurte, Jan

RON

Call LG DAVISON (RON)
at 868-3243

From: Ted Booth [tbooth@srba.state.id.us]
Sent: Friday, October 24, 2008 2:10 PM
To: Shurte, Jan
Subject: RE: 63-32163

Jan,

My concern is the remark that says water is taken from Smith Creek after Long Gulch Creek dries-up. Smith Creek is not a source for this right, but is a source of related right 63-97.
Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Friday, October 24, 2008 11:28 AM
To: Ted Booth
Subject: RE: 63-32163

Ted,

I have looked through this file two or three times and cannot find anything that I would change on the SF5. I do see an overlapping water right that BLM did not object to for the same place of use as this one on BLM land. However, it was partially decreed in 2004. The combined limit remarks look ok. I looked through the field exam and lots of ditch loss plus bad soil documented for the amount of cfs.

These were actually Sandy's and she has the files – I just cannot find any changes to be made. So, as far as I am concerned the SF5 can go forward, unless you see something. Sorry, I cannot remember anything I wanted to change.

Jan

From: Ted Booth [mailto:tbooth@srba.state.id.us]
Sent: Wednesday, October 22, 2008 9:28 AM
To: Shurte, Jan
Subject: 63-32163

Jan,

I have a sticky-note on this file that says you are getting a new SF-5 for this right. If you remember, there is a remark that you determined should be deleted. Please let me know where we are with this one.

Thanks,
Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

10/24/2008

Shurte, Jan

From: Shurte, Jan
Sent: Friday, October 24, 2008 11:28 AM
To: 'Ted Booth'
Subject: RE: 63-32163

Ted,

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To: Shurte, Jan
Subject: 63-32163

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Thanks,
Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

10/24/2008

COPY

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JUL 14 2008

DEPARTMENT OF
WATER RESOURCES

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

JUL 10 2008

By

Clerk

Deputy Clerk

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JUL 16 2008

DEPARTMENT OF
WATER RESOURCES

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

Subcase No. 63-32163

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

L.G. Davison & Sons, Inc.

OBJECTOR:

USDA Forest Service

L. G. Davison & Sons, Inc.
by L. E. Davison 6-27-08
By: _____ Date
Title: *Pres*

David Negri 6/20/08
David L. Negri, USDOJ
Attorney for Objector Date

STANDARD FORM 5 - 63-32163

IDWR Concurrence:

Sandy Egbert 6-17-08
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 6-17-08
Nicholas B. Spencer Date
Deputy Attorney General

Standard Form 5 - 63-32163

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

RIGHT NUMBER: 63-32163

NAME AND ADDRESS:

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-8435

SOURCE:

Source:
LONG GULCH CREEK

Tributary:
SOUTH FORK BOISE RIVER

QUANTITY:

5.340 CFS

~~5.470 CFS~~

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

Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.

PRIORITY DATE: 08/08/1898

POINT OF DIVERSION:

T02N R06E S2 SWNE
Within ELMORE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	<u>5.340 CFS</u>
		~~5.470 CFS~~
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE:

IRRIGATION within ELMORE County

T02N R06E S02 Lot 3 NENW 1.1
T02N R06E S02 Lot 4 NWNW 13.0
T02N R06E S02 Lot 4 SWNW 1.1

~~T02N R06E S02 SENW 6.6~~

T03N R06E S34 NENE 8.7
T03N R06E S34 Lot 2 SWNE 14.0
T03N R06E S34 Lot 1 SENE 25.0
T03N R06E S35 NWNW 6.4
T03N R06E S35 SWNW 26.0
T03N R06E S35 NESW 4.0
T03N R06E S35 Lot 1 NWSW 16.0
T03N R06E S35 Lot 2 SWSW 5.1

STOCKWATER Same As IRRIGATION

120.4 ACRES TOTAL

~~127 ACRES TOTAL~~

Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.

Standard Form 5 - 63-32163

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

Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek.

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 for stockwater use is not a determination of historical beneficial use.

The places of use for this water right do not include any Federal land

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

Stockwater use is for 600 head range cattle.

R.D.

CERTIFICATE OF MAILING

I certify that on July 8, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

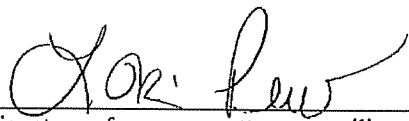
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

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

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE, ID 83647-8435



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32163 V2

WATER RIGHT NUMBER: 63-32163 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L G DAVISON & SONS INC 1969 PRAIRIE RD PRAIRIE, ID 83647-8435 (208)868-3243

Priority Date: 08/08/1898

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LONG GULCH CREEK	SOUTH FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.140 CFS	
IRRIGATION	03/15 to 11/15	5.340 CFS	
	<u>Total Diversion:</u>	5.340 CFS	

Location of Point(s) of Diversion

LONG GULCH CREEK	SW1/4NE1/4	Sec. 2, Twp 02N, Rge 06E, B.M.
ELMORE 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	
02N	06E	2					1.1	13.0	1.1										15.2
							L 3	L 4	L 4										
03N	06E	34	8.7		14.0	25.0													47.7
					L 2	L 1													
03N	06E	35						6.4	26.0		4.0	16.0	5.1						57.5
												L 1	L 2						

Total Acres: 120.4

STOCKWATER same as IRRIGATIONConditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. X02 Stockwater use is for 600 head range cattle.
3. E55 Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.
4. Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32163 V2

5. E51 Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.
6. 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.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The places of use for this water right do not include any Federal land.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-97

WATER RIGHT NUMBER: 63-97

Owner Type Name and Address
 Original Owner JOHN KRALL

 , ZZ
 Current Owner L G DAVISON & SONS INC
 1969 PRAIRIE RD
 PRAIRIE, ID 83647-8435
 (208)868-3243

Priority Date: 08/08/1898

Basis: Decreed

Status: Active

Source Tributary
 SMITH CREEK SOUTH FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.140 CFS	
IRRIGATION	03/15 to 11/15	8.720 CFS	
	<u>Total Diversion:</u>	8.720 CFS	

Location of Point(s) of Diversion

SMITH CREEK L3 (NE1/4NW1/4SW1/4) Sec. 7, Twp 02N, Rge 07E, B.M.
 ELMORE 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	
02N	06E	2					1.1	13.0	1.1	6.6									21.8
								L 4	L 4	L 6									
03N	06E	34	8.7		14.0	25.0													47.7
					L 2	L 1													
03N	06E	35						6.4	26.0		4.0	16.0	5.1						57.5
											L 1	L 2							

Total Acres: 127

STOCKWATER same as IRRIGATIONConditions 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-97

2. STOCKWATER, 600 RANGE CATTLE.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. E62 THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEAD GATE.
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:Comments:

1. rhowerto 12/19/2001 CONVEYANCE LOSS

Comment: 6.18 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/2/2004
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/19/2001 1:54:40 PM	rhowerto			Closed
POD	12/19/2001 1:55:11 PM	rhowerto			Closed
Source	12/19/2001 1:55:27 PM	rhowerto			Closed
POU	12/19/2001 1:56:19 PM	rhowerto			Closed
Use	12/19/2001 1:56:40 PM	rhowerto			Closed
POU	12/19/2001 1:57:14 PM	rhowerto			Closed
Season	12/19/2001 1:58:05 PM	rhowerto			Closed
Quantity	12/19/2001 1:58:30 PM	rhowerto			Closed
Summary			12/19/2001	rhowerto	Closed
Summary			12/19/2001	rhowerto	Closed

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-97

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/19/2001 1:07:01 PM	rhowerto	Edited shape boundary
POD	12/19/2001 1:44:41 PM	rhowerto	Edited point location
Contacts	12/19/2001 1:48:31 PM	rhowerto	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: - L G DAVISON & SONS INC Contact Phone Number: Date of Field Exam: OCT 24, 2001 Directions to Property:
POD	12/19/2001 1:55:12 PM	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Priority Date	12/19/2001 1:54:41 PM	rhowerto	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (No) 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	12/19/2001 1:55:28 PM	rhowerto	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/19/2001 1:56:19 PM	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the parent right have a POU? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?

Description for Question 13 - FIELD EXAM

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-97

Use	12/19/2001 1:56:41 PM	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	12/19/2001 1:57:15 PM	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FIELD EXAM
Season	12/19/2001 1:58:06 PM	rhowerto	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	12/19/2001 1:58:30 PM	rhowerto	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

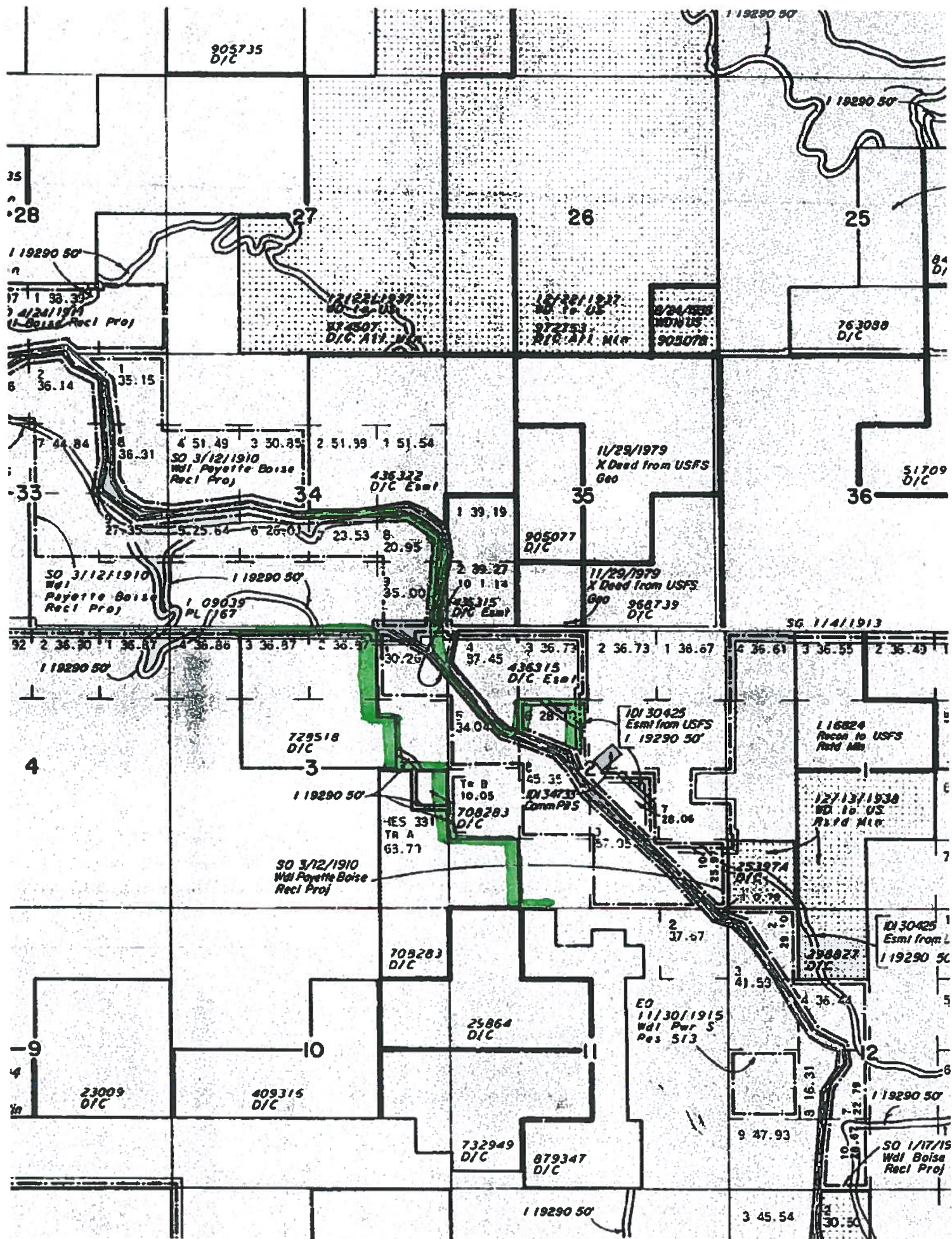
Water Right Report 63-97

Summary	12/19/2001 2:01:21 PM	rhowerto	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Summary	12/19/2001 2:18:13 PM	rhowerto	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

SubCase:

SubCase Number: 63-97
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date: 10/1/2004
Attorney Assigned:
Adjudication Agent: Jan Shurte
Basis of Claim: Decreed
Date Filed: 1/31/2003 Objection Status: Active
Date Filed: 1/31/2003 Objection Status: Active

Water Supply Bank:



RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 03:42
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: 63-08269A 63-30372
		63-32163 63-32279 63-32553

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

FRIDAY, JUNE 20, 2008 at 03:15 PM (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 16, 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:

UNITED STATES OF AMERICA

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

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

GEORGE BACH
TERRESA BACH
2664 SANDHOLLOW RD
CALDWELL, ID 83605

TERRY N PLATTS
1313 IDAHO ST
GOODING, ID 83330
Phone: 925-449-4525

LEONARD K HAYDEN
16975 STAR RD
NAMPA, ID 83687
Phone: 208-465-1604

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE, ID 83647-8435
Phone: 208-868-3243

ELLEN S ANDERSON
2655 SAND HOLLOW RD
CALDWELL, ID 83605
Phone: 208-459-2832

LEONARD K. HAYDEN
521 W 10TH
PMB 112
CALDWELL, ID 83605

JOHN LUKRICH
SUSAN LUKRICH
6505 LITTLE FREEZEOUT RD
CALDWELL, ID 83607
Phone: 208-454-2341

Id. Dept. of Water Resources
ATTN: Sandy Egbert

From Ron Davison

5 pages including this one

**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

A. Subcase: 63-32163
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5944

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: LG Davidson & Sons Inc
Address: 1969 Prairie RD
Prairie, ID 83647-8435

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: See E below.

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

Places of use recommended in the Directors Report in the SWNW and SENW of Section 2, T2N, R6E are on National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS land for this purpose.

Water Right Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

01/24/2007

WATER RIGHT NO. 63-32163

Owner Type	Name and Address
Current Owner	L G DAVISON & SONS INC 1969 PRAIRIE RD PRAIRIE, ID 83647-8435 (208)868-3243

Priority Date: 08/08/1898

Basis: Beneficial Use

Status: Active

Source	Tributary
LONG GULCH CREEK	SOUTH FORK BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	5.47 CFS	
STOCKWATER	01/01	12/31	0.14 CFS	
Total Diversion			5.47 CFS	

Location of Point(s) of Diversion:

LONG GULCH CREEK	SWNE	Sec. 02	Township 02N	Range 06E	ELMORE County
------------------	------	---------	--------------	-----------	---------------

STOCKWATER Use:

Number of other uses: 600 Range Cattle

Right Report

Page 2 of 3

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

*Sandy
please delete these
places of use,
Row*

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	06E	2		NENW	1.1		NWNW	13		~~SWNW~~	~~1.1~~		~~SENE~~	~~25~~
03N		34		NENE	8.7		SWNE	14		SENE	25			
		35		NWNW	6.4		SWNW	26						
				NESW	4		NWSW	16		SWSW	5.1			

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 127

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.
2.		Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek.
3.	X02	Stockwater use is for 600 head range cattle.
4.	N05	The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6.	E55	Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.
7.	E51	Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.

Dates:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

RECEIVED
JUN 21 2007
DEPARTMENT OF
WATER RESOURCES

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

A. Subcase: _63-32163_
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5944

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: LG Davidson & Sons Inc
Address: 1969 Prairie RD
Prairie, ID 83647-8435

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Places of Use**
Should be: See E below.
11. I object because:
☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

Places of use recommended in the Directors Report in the SWNW and SENW of Section 2, T2N, R6E are on National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS land for this purpose.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Steven M. Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

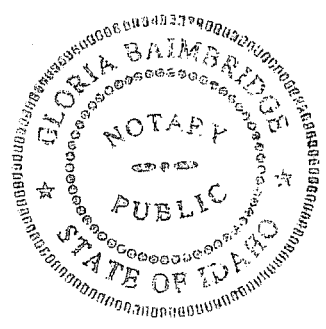
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Steven M. Spencer
(Signature of person filing objections)

Daniel H. [Signature]
(Attorney signing in representative capacity)

Subscribed and sworn before me on: June 18, 2007

Gloria Baimbridge
Gloria Baimbridge



Notary Public for: Idaho
Residing at: Boise, Idaho
Commission Expires: 10/17/2008

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 14, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

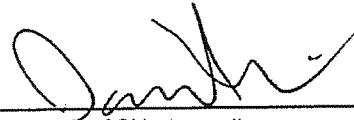
Name: LG Davidson & Sons Inc
Address: 1969 Prairie RD
Prairie, ID 83647-8435

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

05/26/2006

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

RIGHT NUMBER: 63-32163

NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-8435

SOURCE: LONG GULCH CREEK

TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: ^{5.32}
5.470 CFS

Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.

^{WR 63-97}
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/08/1898

POINT OF DIVERSION:

T02N R06E S2 SWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.140 CFS
IRRIGATION	03/15 11/15	5.470 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T02N R06E S02	NENW 1.10	T02N R06E S02	NWNW 13.00
T02N R06E S02	SWNW 1.10	T02N R06E S02	SENW 6.60
T03N R06E S34	NENE 8.70	T03N R06E S34	SWNE 14.00
T03N R06E S34	SENE 25.00	T03N R06E S35	NWNW 6.40
T03N R06E S35	SWNW 26.00	T03N R06E S35	NESW 4.00
T03N R06E S35	NWSW 16.00	T03N R06E S35	SWSW 5.10

STOCKWATER same as IRRIGATION

¹²⁷ ACRES TOTAL

^{119.3}
Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.

^{WR 63-97}
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.

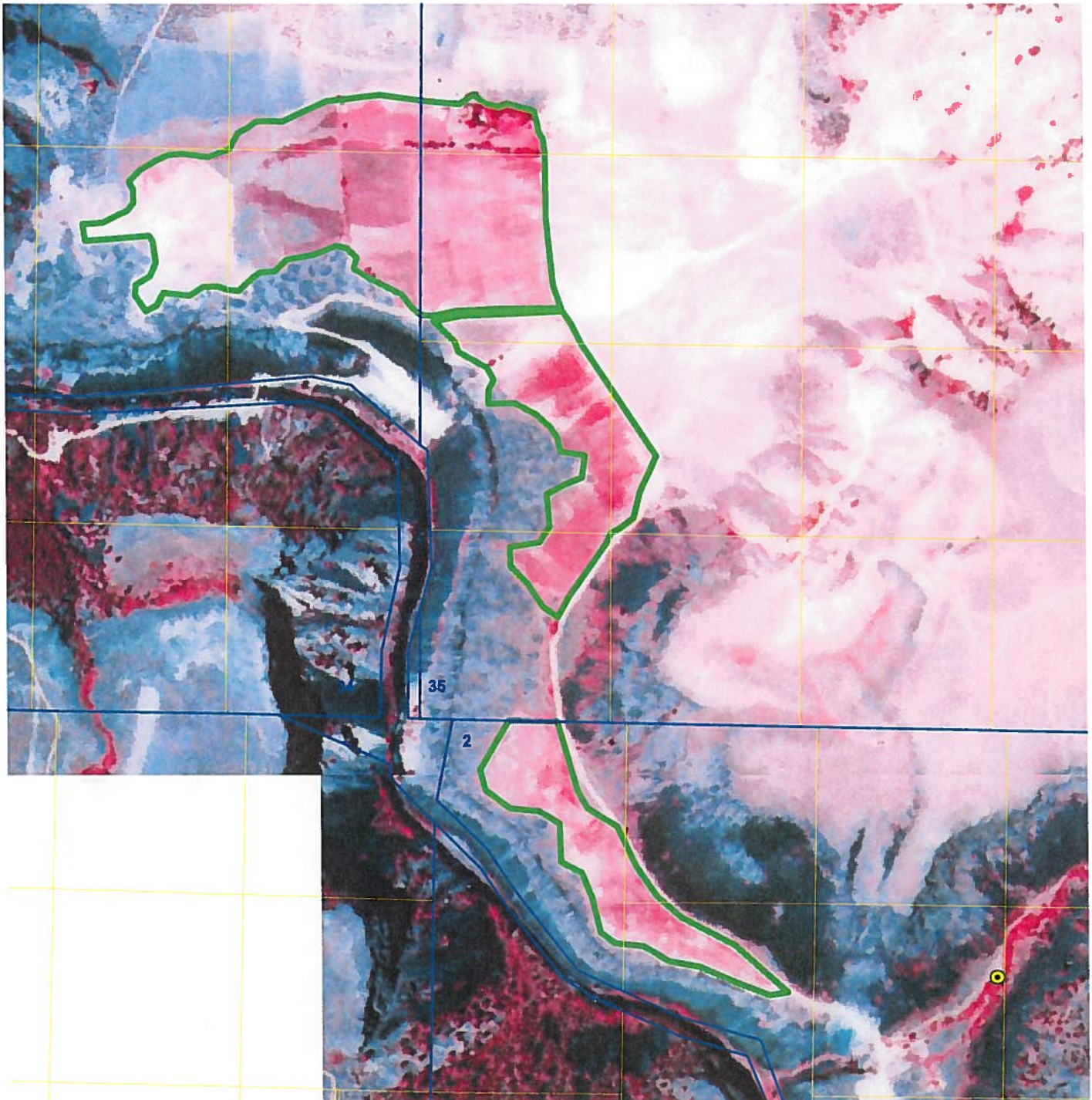
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



Idaho Department of Water Resources

63-32163

T02N R06E S2 T03N R06E S34,35



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter

Total irrigated
acres = 127



800 0 800 Feet



IDWR
Prepared by: Sandy Egbert
Date: May 26, 2006
1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32163 V1

WATER RIGHT NUMBER: 63-32163 V1

Owner Type Name and Address

Current Owner L G DAVISON & SONS INC
 1969 PRAIRIE RD
 PRAIRIE, ID 83647-8435
 (208)868-3243

Priority Date: 08/08/1898

Basis: Beneficial Use

Status: Active

Source

LONG GULCH CREEK

Tributary

SOUTH FORK BOISE RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

STOCKWATER

01/01 to 12/31

0.140 CFS

IRRIGATION

03/15 to 11/15

5.470 CFS

Total Diversion: 5.470 CFSLocation of Point(s) of Diversion

LONG GULCH CREEK

SW1/4NE1/4

Sec. 2, Twp 02N, Rge 06E, B.M.

ELMORE 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	
02N	06E	2					1.1	13.0	1.1	6.6									21.8
03N	06E	34	8.7		14.0	25.0													47.7
03N	06E	35					6.4	26.0		4.0	16.0	5.1							57.5

Total Acres: 127

STOCKWATER same as IRRIGATIONConditions 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. E51 Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.
3. E55 Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32163 - V1

5. 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.
6. Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek.
7. X02 Stockwater use is for 600 head range cattle.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	5/26/2006 10:56:24 AM	segbert			Active
POD	5/26/2006 10:57:20 AM	segbert			Active
Source	5/26/2006 11:00:13 AM	segbert			Active
POU	5/26/2006 11:00:43 AM	segbert			Active
Use	5/26/2006 11:01:53 AM	segbert			Active
Season	5/26/2006 11:02:34 AM	segbert			Active
Quantity	5/26/2006 11:03:27 AM	segbert			Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32163 V1

POD	5/26/2006 10:57:20 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	5/26/2006 11:01:10 AM	segbert	Updated shape for Active POU
Use	5/26/2006 11:01:54 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
General	5/26/2006 10:56:24 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - affidavit in file
Source	5/26/2006 11:00:13 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - aerial photography, field exam for 63-97

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32163 V1

POU	5/26/2006 11:00:44 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - aerial photography
Season	5/26/2006 11:02:34 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/26/2006 11:03:28 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-32163

WATER RIGHT NUMBER: 63-32163

Owner Type Name and Address
Current Owner L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE, ID 83647-8435
(208)868-3243

Priority Date: 08/08/1898 ✓
Basis: Beneficial Use ✓
Status: Active ✓

Source Tributary
LONG GULCH CREEK SOUTH FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31 ✓	0.140 CFS	
IRRIGATION	03/15 to 11/15 OK	~~8.720 CFS~~ 5.47	
	<u>Total Diversion:</u>	8.720 CFS 5.47	

OK for 600 head

Location of Point(s) of Diversion

LONG GULCH CREEK SW1/4NE1/4 Sec. 2, Twp 02N, Rge 06E, B.M.
ELMORE County

Place of Use
IRRIGATION

*CFS = 127 x .02 = 2.54 + 2.93 conveyance
loss from Long Gulch*

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	06E	2					1.1	13.0	1.1	6.6									21.8
							Lt 3	Lt 4		Lt 6									
03N	06E	34	8.7		14.0	25.0													47.7
					Lt 2	Lt 1													
03N	06E	35						6.4	26.0		4.0	16.0	5.1						57.5
											Lt 1	Lt 2							

Total Acres: 127

STOCKWATER same as IRRIGATIONConditions of Approval:

- Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek.

Remarks:

*stockwater - 600 head 12-2-04
overlaps with 63-97 - decreed (.0686 per acre) - POD - Smith
Creek
N05, N08*

ESTIMATING CONVEYANCE LOSS

Formula: $S = (W)(i)(0.0667)$ where: S is loss in cfs per mile
W is the top width of the high water mark in feet
i is the loss rate in feet per day (see Table)
0.0667 is a factor used to convert to cfs per mile

Type of soil	Loss rate i (ft/day)
medium clay loam	0.5 to 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 to 2.0
gravel	2.5 to 5.0

*

Worksheet: $S = (\underline{11} \text{ ft}) (\underline{2.5} \text{ ft/day}) (0.0667)$

$S = \underline{1.83} \text{ cfs/mi}$

Conveyance loss = $(S)(\text{length of ditch in miles})$

Conveyance loss = $(\underline{1.83} \text{ cfs/mi}) (\underline{1.6} \text{ mi})$

Conveyance loss = $\underline{2.93} \text{ cfs}$

*Used figures w & i from 63-97 leveled right
figured miles using Arc View and aerial photo
from Tong Gulch Creek*

April 19, 2006

Idaho Department of Water Resources
Re: 63-32163

L.G. Davison & Sons, Inc. purchased the Crowe Ranch in 1973. Since that time The water from Long Gulch Creek has been used for stock water in the winter and irrigation in the spring.

Because Long Gulch Creek is only approximately $\frac{1}{4}$ mile from the place of use, and Smith Creek is 2.2 miles father upstream it is logical to assume Long Gulch Creek was used at the same time or before Smith Creek. Please see enclosed map.

The total amount diverted from either Long Gulch Creek or Smith Creek or both does not exceed the amount decreed from Smith Creek.

Yours Truly,



R. E. Davison, President
L. G. Davison & Sons, Inc.

Since the Smith Cr. ditch which has a decreed water right with a priority date of 1898 intercepts Long Gulch Creek at the Point of diversion we assume it was used at the same date as the Smith Cr. water for the same land.



April 16,2006

My name is Floyd Venable. I have lived at Prairie, Idaho for sixty-eight years. I remember seeing the water from Long Gulch Creek being used for stockwater and irrigation on the Dement Ranch. My family lived on a ranch on the lower bench a few miles upriver from Dements. This was in 1940.

Floyd J Venable

April 16,2006

My name is Elmer Ireland. I have lived at Prairie, Idaho for seventy-five years. I remember as a young child going past the Dement Place and seeing the water from Long Gulch Creek being used for stock water during the winter and irrigation during the spring months. This would have been in the mid to late 1930's.

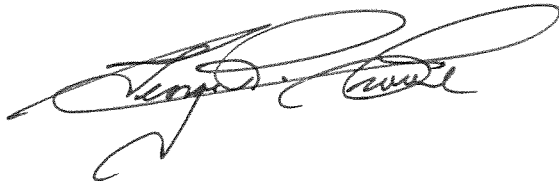
Elmer Ireland

To Whom It May Concern:

My family owned the ranch at Prairie on the South Fork of the Boise River from 196~~7~~^{6 A.D.} until 1973 when we sold it to L.G. Davison & Son's, Inc.

During the time we owned the ranch we used the water from Long Gulch Creek in conjunction with the Smith Creek Water. The diversion and ditch was in place and being used at the time we purchased the ranch.

George Crowe



Notary Public

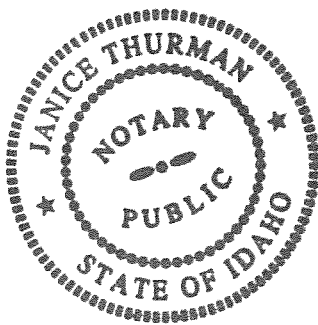
Commission Expires

County

Janice Thurman

05/06

Canyon



63-32163

T03NR06 E034

T03NR06 E036

T03NR06 E036

Acrofyase
Ditch

684468.5
4822056.7

605267.1
4822069.7

605237
4822049.2

604474.2
4821686.1

605279.2
4821302.3

T02NR06 E001

T02NR06 E002

604480.6
4821782.7

T02NR06 E014

T02NR06 E011

T02NR06 E012

5.2 Miles

8.1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32163

04/19/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-97	Claim	02N	06E	2	NE	NW		IRRIGATION	1.1/127	L G DAVISON & SONS INC
63-32163	Claim	02N	06E	2	NE	NW		IRRIGATION	1.1/127	L G DAVISON & SONS INC
63-97	Claim	02N	06E	2	NW	NW		IRRIGATION	13/127	L G DAVISON & SONS INC
63-32163	Claim	02N	06E	2	NW	NW		IRRIGATION	13/127	L G DAVISON & SONS INC
63-97	Claim	02N	06E	2	SW	NW		IRRIGATION	1.1/127	L G DAVISON & SONS INC
63-32163	Claim	02N	06E	2	SW	NW		IRRIGATION	1.1/127	L G DAVISON & SONS INC
63-97	Claim	02N	06E	2	SE	NW		IRRIGATION	6.6/127	L G DAVISON & SONS INC
63-32163	Claim	02N	06E	2	SE	NW		IRRIGATION	6.6/127	L G DAVISON & SONS INC
63-97	Claim	03N	06E	34	NE	NE		IRRIGATION	8.7/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	34	NE	NE		IRRIGATION	8.7/127	L G DAVISON & SONS INC
63-97	Claim	03N	06E	34	SW	NE		IRRIGATION	14/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	34	SW	NE		IRRIGATION	14/127	L G DAVISON & SONS INC
63-97	Claim	03N	06E	34	SE	NE		IRRIGATION	25/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	34	SE	NE		IRRIGATION	25/127	L G DAVISON & SONS INC
63-97	Claim	03N	06E	35	NW	NW		IRRIGATION	6.4/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	35	NW	NW		IRRIGATION	6.4/127	L G DAVISON & SONS INC
63-97	Claim	03N	06E	35	SW	NW		IRRIGATION	26/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	35	SW	NW		IRRIGATION	26/127	L G DAVISON & SONS INC
X 63-19769	Water Right	03N	06E	35	SW	NW		STOCKWATER		L G DAVISON & SONS INC
X 63-19769	Water Right	03N	06E	35	SW	NW		DOMESTIC		L G DAVISON & SONS INC
63-97	Claim	03N	06E	35	NE	SW		IRRIGATION	4/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	35	NE	SW		IRRIGATION	4/127	L G DAVISON & SONS INC
63-97	Claim	03N	06E	35	NW	SW		IRRIGATION	16/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	35	NW	SW		IRRIGATION	16/127	L G DAVISON & SONS INC
63-97	Claim	03N	06E	35	SW	SW		IRRIGATION	5.1/127	L G DAVISON & SONS INC
63-32163	Claim	03N	06E	35	SW	SW		IRRIGATION	5.1/127	L G DAVISON & SONS INC

Receipt Details for ID W033297

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/18/2005 12:12:00 PM	8/19/2005 3:57:05 PM	WESTERN	\$75.00	Check
Payer		L G DAVISON & SONS		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1312			
Card Expiration Date	Credit Card Transaction #		

Comment CHANGE OF OWNERSHIP 63-22087
NOTICE OF CLAIM (LONG GULCH CREEK)

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	ADJUDICATION FILING FEE	42503	0337			1155
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	62140	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
--------------	-----------------	--------------	--------	------

[Print Report](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

12/1/2005

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-8435

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): 63-32122 & 63-32163

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout or re-file it. You indicated, when these claims were filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This claim(s) has not been confirmed by a previous filing with the Idaho Department of Water Resources (IDWR) since there is no decree, license, or permit on file to verify the use of this water. For this reason, IDWR is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, 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.**"

If no evidence of this priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. The required evidence supporting the priority date(s) requested needs to be submitted by December 30, 2005.

Please let me know if you have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Sincerely,

Sandy Egbert
GIS Specialist

Enclosures