

10/17/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 72-16572

A 1/2

Owner Type
Current Owner

Name and Address
CONTOR FAMILY LTD PARTNERSHIP
C/O JULIA HIBBERT
258 WEST HY 33
TETONIA, ID 83452
(208)456-2807

Priority Date: 05/01/1900
Basis: Beneficial Use
Status: Valid

Source: GARDEN CREEK Trib. to: Salmon River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	05/01	12/01	0.02 CFS		
Total Diversion			0.02 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	18E	10	SW NE NE	0	CUSTER
13N	18E	3	NW SE SE	0	CUSTER

Non-irrigation uses:

Number of other uses: 10 HORSES

Place(s) of use:

Place of Use Legal Description: STOCKWATER CUSTER County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13N	18E	10		NENE										
		3		SESE										

Conditions of Approval:

- N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- 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:

- Explanatory PARCEL NOS. RP13N18E039010A & RP13N18E100001A

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
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djones 10/17/00 RECOMMENDATION

PORTION OF 72-10380 REPRESENTING INSTREAM STOCK
USE. OTHER PART IS 72-16571 REPRESENTING DOMESTIC
USE.

Dates:

Licensed Date:
Claim Received Date: 10/17/2000
Decreed Date:
Date Filed with Court:
Objection Filed Date:
Response Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/17/00 1:22:48 PM	djones			In Process
POD	10/17/00 1:27:01 PM	djones			In Process
POU	10/17/00 1:47:18 PM	djones			In Process
Priority Date	10/17/00 1:23:30 PM	djones			In Process
Quantity	10/17/00 1:33:48 PM	djones			In Process
Season	10/17/00 1:30:26 PM	djones			In Process
Source	10/17/00 1:27:37 PM	djones			In Process
Summary	10/17/00 1:34:27 PM		10/17/00 1:34:27 PM	djones	Complete
Use	10/17/00 1:29:59 PM	djones			In Process

Other Information:

Receipt Number(s):
State or Federal: S
Water District:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Parent Right: 72-10380

WRADJUDICATIONCLAIM

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	10/17/00 1:22:46 PM	djones	1. Appointment has not been scheduled.
POD	10/17/00 1:27:00 PM	djones	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required. Edited point location
POD	10/17/00 1:25:29 PM	djones	Edited point location
POD	10/17/00 1:24:27 PM	djones	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU.
POU	10/17/00 1:47:17 PM	djones	9. (YES) The file contains all the necessary information to verify the POU. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Priority Date	10/17/00 1:23:29 PM	djones	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (NO) The priority date was not claimed after the date a permit was

			required for the source and water use.
			10. (YES) The claim file contains sufficient evidence of priority date.
			12. (YES) The claim is recommended.
			13. (YES) The claim is coded correctly.
			14. (NO) Priority remark was not required.
			15. (NO) Priority condition was not required.
Quantity	10/17/00 1:33:47 PM	djones	1. (YES) The basis of claim is beneficial use.
			5. (NO) A flow measurement was not required.
			6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.
			7. (NO) The parent right does not have an annual diversion volume limit.
			9. (NO) Quantity remark was not required.
			10. (YES) Quantity condition was required.
Season	10/17/00 1:30:24 PM	djones	1. (YES) The basis of claim is beneficial use.
			4. (NO) There is not evidence that there has been a change to the period of use.
			9. (YES) The file contains all the necessary information to verify the period of use.
			11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.
			13. (NO) Irrigation is not the proposed use.
			15. (NO) Period of Use remark was not required.
			16. (NO) Period of Use condition was not required.
Source	10/17/00 1:27:36 PM	djones	1. (YES) The basis is beneficial use.
			4. (NO) There is not evidence that there has been a change in the Source.
			7. (YES) The file contains all of the necessary information to verify the source.
			8. (YES) The source is surface water.
			9. (YES) The source is a standard source.
			10. (NO) Source remark was not required.
			11. (NO) Source condition was not required.
Summary	10/17/00 1:34:25 PM	djones	1. (YES) The basis of the claim is beneficial use.
			2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed.
			5. (NO) General remark was not required.
			6. (NO) Explanatory remark was not required.
			7. (NO) Additional condition was not required.
			8. (YES) Wanted to view the recommended right.
			9. (YES) This is a split right.
			10. (NO) This is not a combined right.
			11. (NO) Documents were not linked or attached to this file.
			12. (YES) Set the verification date.
Use	10/17/00 1:29:57 PM	djones	1. (YES) The basis of claim is beneficial use.
			4. (NO) There is not evidence that there has been a change to the purpose of use.
			9. (YES) The file contains all the necessary information to verify the purpose of use.
			11. (NO) Purpose of Use remark was not required.
			12. (NO) Purpose of Use condition was not required.

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 72-16572
Date Received: 10/17/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CONTOR FAMILY LTD PARTNERSHIP Phone: (208)456-2807

C/O JULIA HIBBERT
258 WEST HY 33
TETONIA ID 83452

2. Date of Priority: 05/01/1900

3. Source: GARDEN CREEK Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	18E	10	SW NE NE	CUSTER
13N	18E	3	NW SE SE	CUSTER

5. Description of diverting works:

NON-DIVERTED STOCK WATERING FROM CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	12/01	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 10 HORSES

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	18E	3	SE	SE	STOCKWATER	
13N	18E	10	NE	NE	STOCKWATER	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

ORIGINALLY CLAIMED AS 72-10380. SPLIT TO REPRESENT SEPARATE SYSTEMS AND USES - DOMESTIC FROM SPRING AND INSTREAM STOCK USE FROM CREEK.

15. Basis of Claim: Beneficial Use

Water Right Number - R72-10380

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CONTOR FAMILY LTD PARTNERSHIP

1 - C/O JULIA HIBBERT
2 - 258 WEST HY 33
3 -
City- TETONIA State- ID Zip- 83452
Phone - 208-456-2807

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1900 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRING GARDEN CREEK GARDEN CREEK SALMON RIVER

Point of Diversion							Diversion Name
Twn	Rng	Sec	Tract	Lot	RFlg	County	
13N	18E	10	SW NE NE		(37)	CUSTER	
			SW NE NE	8	(37)	CUSTER	
		3	NW SE SE	E	(37)	CUSTER	

Water Use		Period From	Period To	Diversion Rate	Diversion Volume
Code	Description				
43 - DOMESTIC		01/01	12/31	0.040	
04 - STOCKWATER		05/01	12/01	0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.060 0.0

Place of Use							Description	County
Twn	Rng	Sec	Tract	Lot	Acres	Code		
13N	18E	3	SE SE			04	STOCKWATER	(37) CUSTER
13N	18E	10	NE NE			04	STOCKWATER	(37) CUSTER
13N	18E	10	NE NE			43	DOMESTIC	(37) CUSTER

+ - - Diversion Means - SPRING BOX HOLDS WATER. WATER DIPPED FROM BOX FOR CULINARY WATER

+ - - Non-Irrigation Use - CAMP SITE.

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

EXP PARCEL NOS. RP13N18E039010A & RP13N18E100001A
STOCKWATER 10 HEAD HORSES

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

Split Claim
1) 4 reed
2) D-Spring
3) S-instream

Water right number - R72-10380

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - - +

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 07/26/93 SMITH 03/30/95 POST-STD 01/14/97 D&S-DSHA 02/27/97 FHITCHCO 02/28/97 FHITCHCO

+ - - - - Comments - - - - - +

Date: 07/26/1993 User Id: SMITH Subject: COPIED FROM REMARKS
STOCKWATERING IS ALSO IN-STREAM FROM GARDEN CREEK

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/28/1997	Old Judicial District	-
Claim Received Date	- 01/05/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- E011489	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-