

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 72-16789
Date Received: 5/7/2010
Receipt No: C090756
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LILAC THREE LLC/LILAC SIX LLC Phone:
C/O JOAN MARTINKO MGR
1118 S BRADDOCK AVE (REAR)
PITTSBURGH PA USA 15218

2. Date of Priority: 04/01/1930

3. Source: EAST FORK SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	18E	35	NE SW SW	CUSTER	
10N	18E	35	SW NE SW	CUSTER	

5. Description of diverting works:

There is one (1) diversion works covered by this claim, designated as SEF-7/8 (consolidation of former SEF-7 and SEF-8) and SEF-9. This diversion has a headgate in the East Fork of the Salmon River, and diverts water into a ditch that has a fish screen installed by the Idaho Department of Fish and Game.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	9.68	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range Section		1/4 of 1/4		Lot	Use	Acres	
10N	18E	25	NW	NW		IRRIGATION	4.5	
			SW	NW		IRRIGATION	16	
							Section Acres	20.5
10N	18E	26	SE	NE		IRRIGATION	2.6	
			NE	SE		IRRIGATION	20	
			SW	SE		IRRIGATION	7.6	
			SE	SE		IRRIGATION	10	
							Section Acres	40.2
10N	18E	35	NW	NE		IRRIGATION	8.8	
							Section Acres	8.8
							Total Acres	69.5

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:

This water right is for conveyance losses in conveying water from the point of diversion to the place of use. There is no consumptive use associated with this claim.

Other water rights used at the same place and for the same purpose: 72-193A and 72-2142.

The maximum combined diversion for irrigation and conveyance loss at each point of diversion under the claimants water rights is limited as follows (see Exhibit A): SEF-7/8: this claim, 72-193A and 72-2142 = 12.49 cfs

15. Basis of Claim: Beneficial Use

05/30/2014

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

RIGHT NUMBER: 72-16789

NAME AND ADDRESS: LILAC THREE LLC/LILAC SIX LLC
C/O JOAN MARTINKO MGR
1118 S BRADDOCK AVE (REAR)
PITTSBURGH PA 15218

SOURCE: SALMON RIVER EAST FORK

TRIBUTARY: SALMON RIVER

QUANTITY: 9.680 CFS

Right nos. 72-193A, 72-2142 and 72-16789 are limited to a maximum combined diversion rate of 12.49 cfs at the East Fork-7/8 Diversion in T10N, R18E, S35, SWNESW.

PRIORITY DATE: 04/01/1938

POINT OF

DIVERSION: T10N R18E S35 SWNESW Within CUSTER County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	9.680 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T10N R18E S25	SWNW	16.00	T10N R18E S25	NWSW	4.50
T10N R18E S26	SENE	2.60	T10N R18E S26	NESE	20.00
T10N R18E S26	SWSE	7.60	T10N R18E S26	SESE	10.00
T10N R18E S35	NWNE	8.80			

69.5 ACRES TOTAL

Right Nos. 72-193A, 72-2142 and 72-16789 are limited to the irrigation of a combined total of 70 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through the East Fork #8 (EF7/8) headgate.

COPY

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: : The second recommended remark regarding diversion rates should be deleted.
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. ☐ **Place of Use**
Should be: _____
10. ☐ **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):** The secondd recommended remark under "Quantity" regarding diversion rates is not necessary to define or administer the water right. The remark does not accurately reflect the claimant's diversion of water, is not consistent with law, and will unreasonably impair claimant's ability to properly irrigate the place of use.

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. ☒ **Place of Use**
Should be: See attached.
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):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal land. Remove Place of Use (POU) on federal land (NWNW, S25, T10N, R18E); reduce total acres by 4.5 acres; and reduce quantity proportionately. The underlying shapefile does not include a POU in the NWNW, S25 (BLM), so perhaps the recommendation included it in error.

12/20/2012

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

RIGHT NUMBER: 72-16789

-Place of use on federal land
-Claimant is not authorized

NAME AND ADDRESS: LILAC THREE LLC/LILAC SIX LLC
C/O JOAN MARTINKO MGR
1118 S BRADDOCK AVE (REAR)
PITTSBURGH PA 15218

SOURCE: SALMON RIVER EAST FORK

TRIBUTARY: SALMON RIVER

QUANTITY: 9.680 CFS

Right nos. 72-193A, 72-2142 and 72-16789 are limited to a maximum combined diversion rate of 12.49 cfs at the East Fork-7/8 Diversion in T10N, R18E, S35, SWNESW.

The diversion rate listed is a peak measured value during maximum discharge periods. The actual diversion rate varies seasonally through the year and is proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

PRIORITY DATE: 04/01/1938

POINT OF
DIVERSION:

T10N R18E S35 SWNESW Within CUSTER County BLM/WSA

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

9.680 CFS

PLACE OF USE:

IRRIGATION in CUSTER County

BLM

T10N R18E S25	NWNW	4.50	T10N R18E S25	SWNW	16.00
T10N R18E S26	SENE	2.60	T10N R18E S26	NESE	20.00
T10N R18E S26	SWSE	7.60	T10N R18E S26	SESE	10.00
T10N R18E S35	NWNE	8.80			

69.5 ACRES TOTAL

Right Nos. 72-193A, 72-2142 and 72-16789 are limited to the irrigation of a combined total of 70 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through the East Fork #8 (EF7/8) headgate.

12/20/2012

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

RIGHT NUMBER: 72-16789

NAME AND ADDRESS: LILAC THREE LLC/LILAC SIX LLC
C/O JOAN MARTINKO MGR
1118 S BRADDOCK AVE (REAR)
PITTSBURGH PA 15218

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PRIORITY DATE: 04/01/1938

POINT OF
DIVERSION:

T10N R18E S35 SWNESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/01 10/31		9.680 CFS
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>				
	T10N R18E S25	NWNW	4.50	T10N R18E S25	SWNW 16.00
	T10N R18E S26	SENE	2.60	T10N R18E S26	NESE 20.00
	T10N R18E S26	SWSE	7.60	T10N R18E S26	SESE 10.00
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through the East Fork #8 (EF7/8) headgate.

Quantity Limits for 72-16789						
East Fork - 7/8			72-193A	72-2142	72-16789	Total CFS of Rights at POD
12.49			2.49	0.32	9.68	12.49
Total cfs recommended for 72-16789 = 9.68						
Total cfs limit at the POD for 72-16778 =		9.68				
Total combined cfs limit for all rights at POD =		12.49	POD capacity			
Total of rights at POD =	12.49					
Total cfs of other rights =	2.81					
POD capacity - other rights =	9.68					
Note: East Fork - 7/8 is also listed as a POD on 72-16786						

Rec = Claim Q

Quantity Limits for 72-16789

East Fork - 7/8	72-193A	72-2142	72-16789	Total CFS of Rights at POD
12.49	2.49	0.32	9.68	12.49

Total cfs recommended for 72-16789 = 9.68

Total cfs limit at the POD for 72-16778 = 9.68

Total combined cfs limit for all rights at POD = 12.49 POD capacity

Total of rights at POD = 12.49

Total cfs of other rights = 2.81

POD capacity - other rights = 9.68

Note: East Fork - 7/8 is also listed as a POD on 72-16786

11/27/2012

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

RIGHT NUMBER: 72-16789

NAME AND ADDRESS: LILAC THREE LLC/LILAC SIX LLC
C/O JOAN MARTINKO MGR
1118 S BRADDOCK AVE (REAR)
PITTSBURGH PA 15218

SOURCE: SALMON RIVER EAST FORK

TRIBUTARY: SALMON RIVER

QUANTITY: 9.680 CFS

The diversion rates listed are peak measured values during maximum discharge periods. Actual diversion rates vary seasonally through the year and are proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

The rights listed below are limited to a total combined diversion rate of 12.49 cfs.
Combined Right Nos.: 72-193A, 72-2142 and 72-16789.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION:

T10N R18E S35 SWNESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	9.680 CFS
This water right is for conveyance losses in conveying water from the point of diversion to the place of use. There is no consumptive use associated with this claim.		

PLACE OF USE: IRRIGATION in CUSTER County

T10N R18E S25	NWNW	4.50	T10N R18E S25	SWNW	16.00
T10N R18E S26	SENE	2.60	T10N R18E S26	NESE	20.00
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through the East Fork #8 (EF7/8) headgate.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 17, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

DANIEL V STEENSON
RINGERT LAW CHARTERED
PO BOX 2773
BOISE ID 83701

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right Nos. 72-16779, 72-16780, 72-16782,
72-16783, 72-16784, 72-16785, 72-16786, 72-16787, 72-16788, 72-16789

Dear Mr. Steenson:

The Notices of Claim you filed on behalf of your clients were received from the SRBA Court. I have enclosed Receipt No. C090756 for the filing fees paid. Please retain the receipt for your records.

The Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:I
Enclosure