

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: A37-00003B
Date Received: 9/19/1989
Receipt No: S009241
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFFORD HALLOWELL 208-764-2517
Address: BOX 159
FAIRFIELD, ID 83327

2. Date of Priority: JUN 18, 1883

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	14E	21	SW	NE			CAMAS

5. Description of diverting works:
VIA ABBOTT CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is 562.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	32	NE	SW		IRR	37.5
			NW	SW		IRR	37.5
			SW	SW		IRR	37.5
			SE	SW		IRR	37.5

A37-00003B

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Date: 09/19/89

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	32	NW	SE		IRR	37.5
			SW	SE		IRR	37.5
Section Acres							225.0
Total Acres							225.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U INCOMPLETE. SEE FILE.
ORIGINALLY DECREED TO GEORGE H. ABBOTT IN THE FROST DECREE.
RT. WAS LATER TRANSFERRED UNDER TRANS. 901.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

CLIFFORD HALLOWELL
Decree Plaintiff

vs

MILO W. BAKER, ET. AL.
Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Clifford Halliwell Date: 9/19/89

Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 19 th day
of Sept 19 89 Lo White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 901

THIS IS TO CERTIFY That Clifford Hallowell, of Fairfield, Idaho, is the owner of and using a certain water right from Soldier Creek, tributary of Camas Creek (sometimes called upper Malad River) bearing date of June 18, 1883, said water being decreed to George H. Abbott by Judge Alfred Budge of the 4th Judicial District of the State of Idaho, in and for the County of Lincoln in the case of

S. C. FROST, et al

Plaintiff

vs.

Alturas Water Company, et al

Defendants,

said decree bearing date of December 13, 1909 and being entered in the record of the Department of Reclamation in Boise, Idaho, in Volume 3 of Decrees beginning at page 807 thereof, and being appurtenant by division of land ownership to the following described lands, to wit;

W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 14 East B.M. That said applicant has become the owner by mesne conveyance.

And that now upon the application of Clifford Hallowell of Fairfield, Idaho for a transfer of 1.0 cubic feet per second of the waters of Soldier Creek, a tributary of Camas Creek, made before the State Reclamation Engineer of the State of Idaho, and that the said application has been granted the right to the use of 1.0 cubic feet per second of the waters of Soldier Creek upon the above described lands is hereby abandoned and the lands to be irrigated under such right, and to which the water right hereby confirms shall become appurtenant by this certificate for irrigation and domestic purposes, are described as follows, to wit;

W $\frac{1}{2}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 32, Township 1 North, Range 14 East, B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

1.0 cubic feet per second with priority of
June 18, 1883

That the water right hereby transferred has heretofore been conducted from Soldier Creek through a natural prong of Soldier Creek described and so called as Abbott Creek, said water being diverted from Abbott Creek with point of diversion in the

SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 1 North,
Range 14 East.

37-00038

RECEIVED

That the water hereby transferred will hereafter be conducted to the last above described lands with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 20th day of December, A. D., 1957.

MARK R. KULP
State Reclamation Engineer

NOV 20 1957

05/24/2006

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

RIGHT NUMBER: 37-3B

NAME AND ADDRESS: CLIFFORD HALLOWELL
BOX 159
FAIRFIELD ID 83327

SOURCE: SOLDIER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 06/18/1883

POINT OF DIVERSION:

T01N R14E S21 NWSWNE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.000 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R14E S32	NESW	36.00	T01N R14E S32	NWSW	36.00
T01N R14E S32	SWSW	37.00	T01N R14E S32	SESW	36.00
T01N R14E S32	NWSE	36.00	T01N R14E S32	SWSE	38.00

219 ACRES TOTAL

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 - Decreed



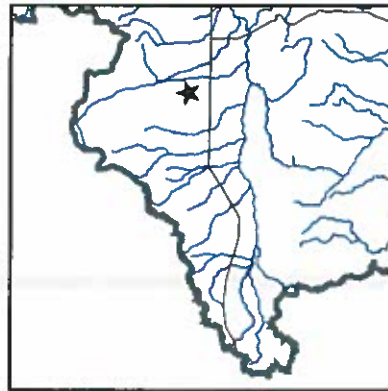
Idaho Department of Water Resources

SRBA Recommendation:

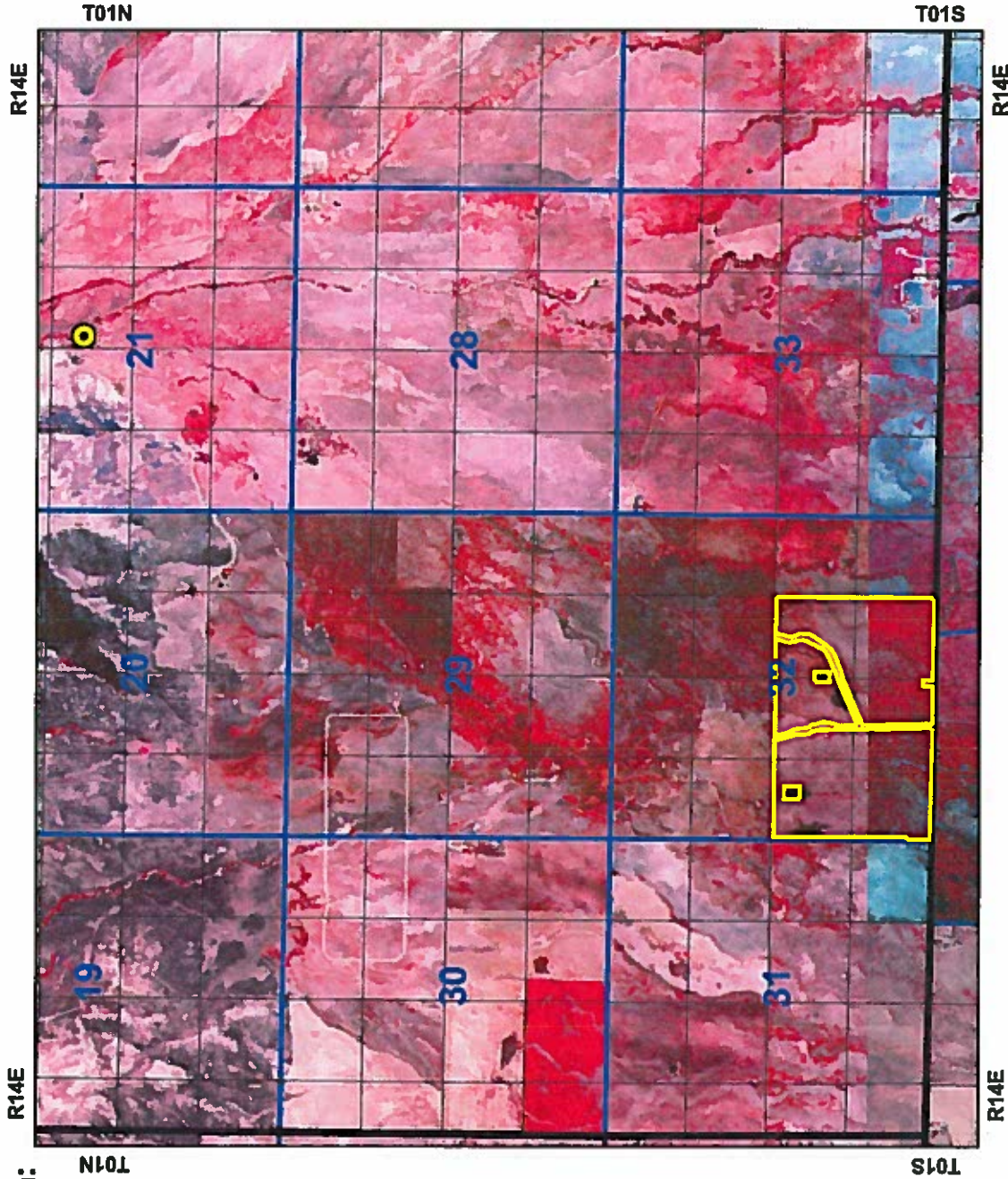
37-3B

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Camas County
IDWR Basin 37



Prepared by M. Anders
On Wednesday, May 24, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-0003B

Background Data

- Source is Soldier Creek tributary to Camas Creek
- Decreed for 1.0 cfs for Irrigation of 2 QQ
- Transfer No. 901 moved POU to 6 QQ
- Claimed 1.0 cfs for Irrigation of 225 acres

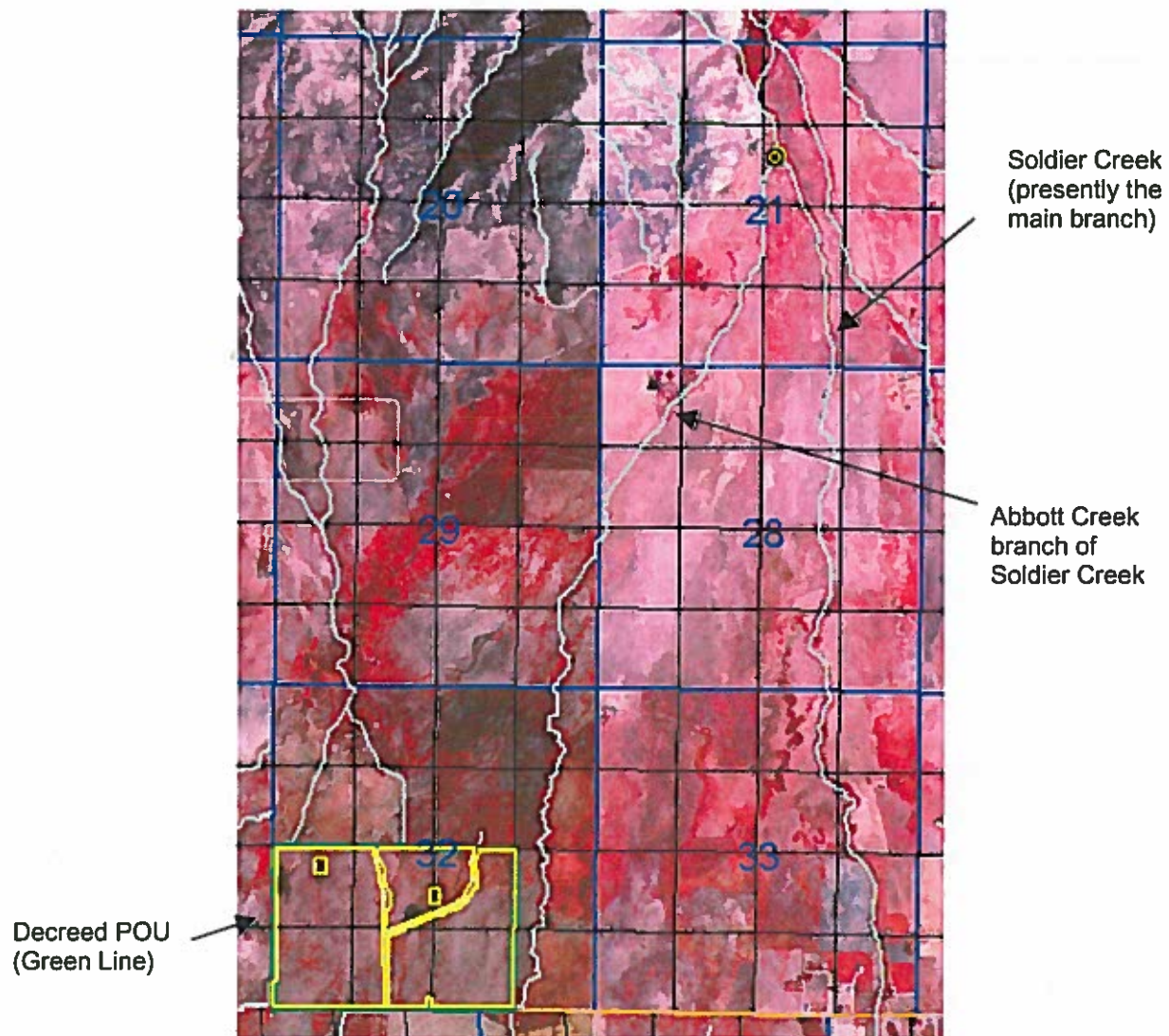
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

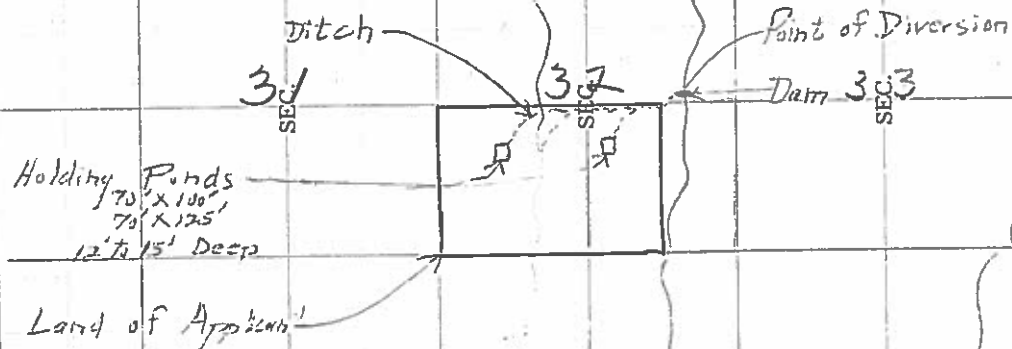


Notes

T1N R14E Section 32

- Found 219 acres for Irrigation
- Source & distribution: An alluvial fan has formed at the mouth of Soldier Canyon. After the main channel exits the mountains, it has six distributary channels, only one of which is active at any given time. Historical documents indicate that at the time of the Frost decree the Abbott Branch was the main channel of Soldier Creek alluvial fan. In 1898, someone blew up a beaver dam, causing the Soldier Creek branch (the present course) to become the main channel. After that, water was diverted down the Abbott Creek branch for water rights in that area.
- POD is the location on Soldier Creek where water is diverted down the Abbott Creek Branch.
- Is this water being used?
 - 5/3/06 – Looked at property from road. There was no visible irrigation equipment or distribution system on the property.
 - 5/4/06 – Tried to contact the claimant to talk about how water is distributed, but the number has been disconnected. The tax records list a different owner than the claimant, so the property appears to have been sold.
 - 5/10/06 – Watermaster (Kelly Dennis) said this water had not been used for 20-25 years, but he is not willing to state that in an affidavit or in the SRBA court.
 - 5/10/06 – During a field exam, observed a distribution ditch running along north end of property that appears to be usable. It is common in this area to apply water from a ditch at the upslope end of field and let it sub-irrigate the whole field.
- Since there is a usable distribution system and I could not document non-use, I recommended this water right as claimed.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Camas County - Idaho



NOTE:

Abstract of Title of sand Water & Land from Decreed Owner, George H. Abbott to this Applicant:

1. W 1/2 SEC. 32-1 N-14 E.B.M. and 50 inches of decreed water, deeded to W. A. Gilson by the heirs of George H. Abbott, in 1939.
2. W. A. Gilson deeded both of the same to Applicant, Clifford Halliwell, in 1944, 18 Deeds 237, Camas County, Idaho, Records.

TRANSFER #901

37 0003

From Transfer #901

Scale: 2 Inches—1 Mile. Draw Map in Ink.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-3B

WATER RIGHT NUMBER: 37-3B

Owner Type Name and Address
 Current Owner CLIFFORD HALLOWELL

, ZZ

Priority Date: 06/18/1883

Basis: Decreed

Status: Active

Source Tributary
 SOLDIER CREEK CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

SOLDIER CREEK SW1/4NE1/4 Sec. 21, Twp 01N, Rge 14E, B.M.
 CAMAS 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	
01N	14E	32									X	X	X	X		X	X		

Conditions of Approval:

1. P/U INCOMPLETE. SEE FILE.
 ORIGINALLY DECREED TO GEORGE H. ABBOTT IN THE FROST DECREE.
 RT. WAS LATER TRANSFERRED UNDER TRANS. 901.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-3B

Licensed Date:
Decreed Date: 3/11/1959
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Milo W Baker, et al
Decree Plaintiff: Clifford Hallowell
Civil Case Number:
Judicial District: Fourth District
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank: