

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: A37-00003A
Date Received: 4/11/1989
Receipt No: S006847
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ANN CUEVA
Address: RT 1 BOX 1314
HEYBURN, ID

208-678-5963

83336

RECEIVED

2. Date of Priority: JUN 18, 1883

NOV 2 1989

3. Source: SOLDIER CREEK

Trib. to: CAMAS CREEK

Department of Water Resources
Southern Region Office

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 240.0 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	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							80.0

A37-00003A

Page 1

Date: 10/27/89

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 80.0

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.

AMENDED NOTES

P/U WAS INCORRECTLY DESCRIBED, NOW CORRECT. (SCC 10-27-89)

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): *Ann Cuern* Date: 10-31-89

Date: _____

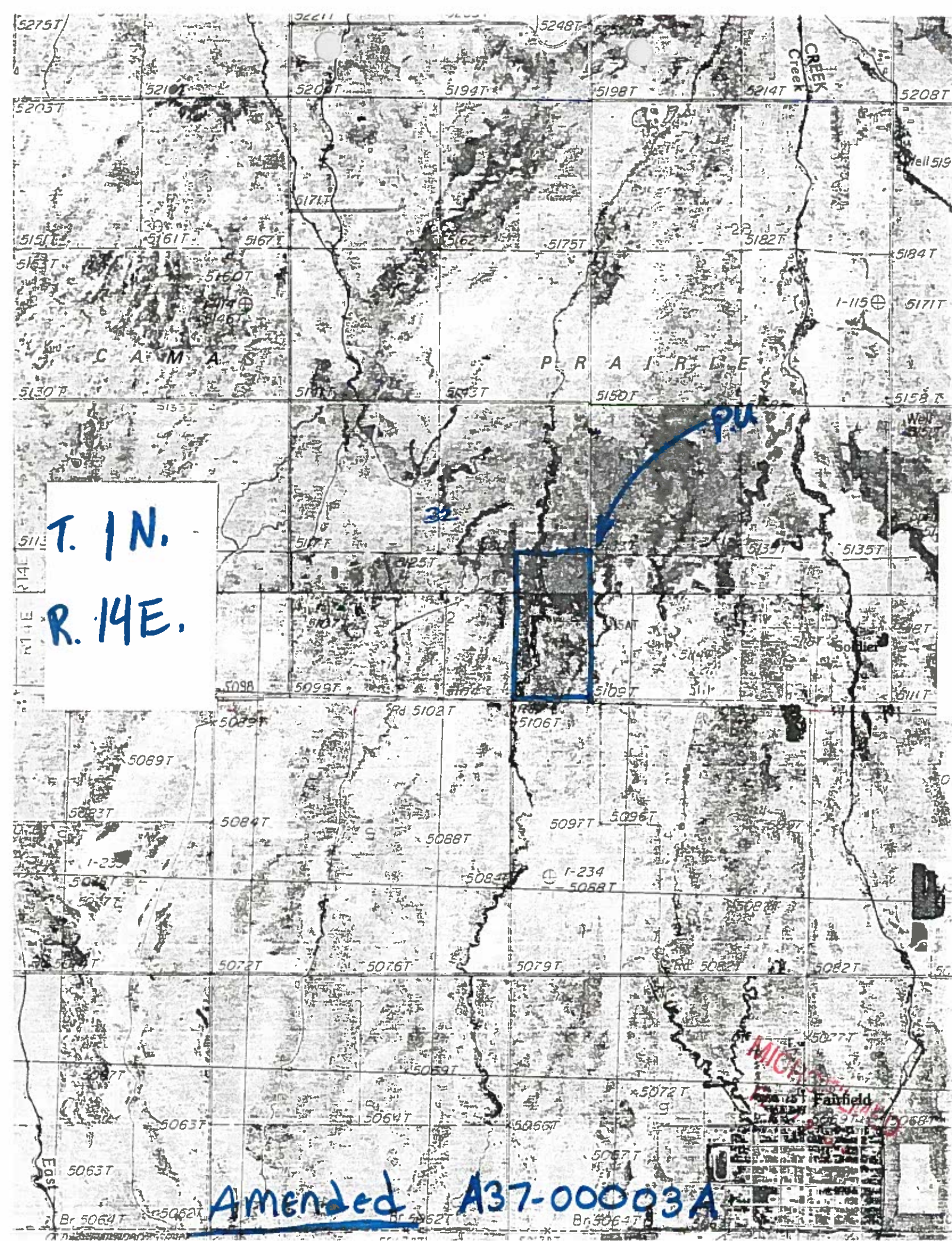
State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31 day
of Oct 19 89

Paul B. Young
Notary Public

Seal

Residing at Burley Ida.
My Commission Expires 3-31-93



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: A37-00003A
Date Received: 3/22/1989
Receipt No: 5006847
Received By: AW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANN CUEVA
Address: RT 1 BOX 1314
HEYBURN, ID 83336 208-678-5963

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 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	SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			NE	SE		IRR	20.0
			NW	SE		IRR	20.0

Section Acres 80.0

A37-00003A

Page 1

Date: 03/22/89

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 80.0

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.

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): Alan C. Cueva Date: 3-31-89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of March 19 89

Steve L. Benson
Notary Public

Seal

Residing at Burley Idaho
My Commission Expires 8-16-94

05/24/2006

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

RIGHT NUMBER: 37-3A
NAME AND ADDRESS: ANN C CUEVA
241 S 600 W
HEYBURN ID 83336

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 NESE 36.00 T01N R14E S32 SESE 35.00

71 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



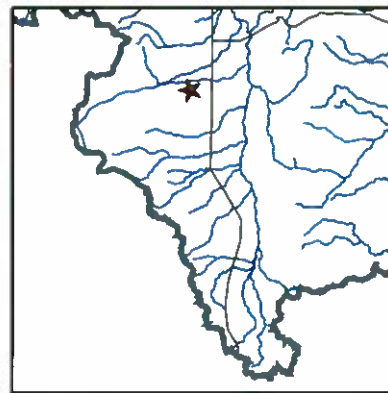
Idaho Department of Water Resources

SRBA Recommendation:

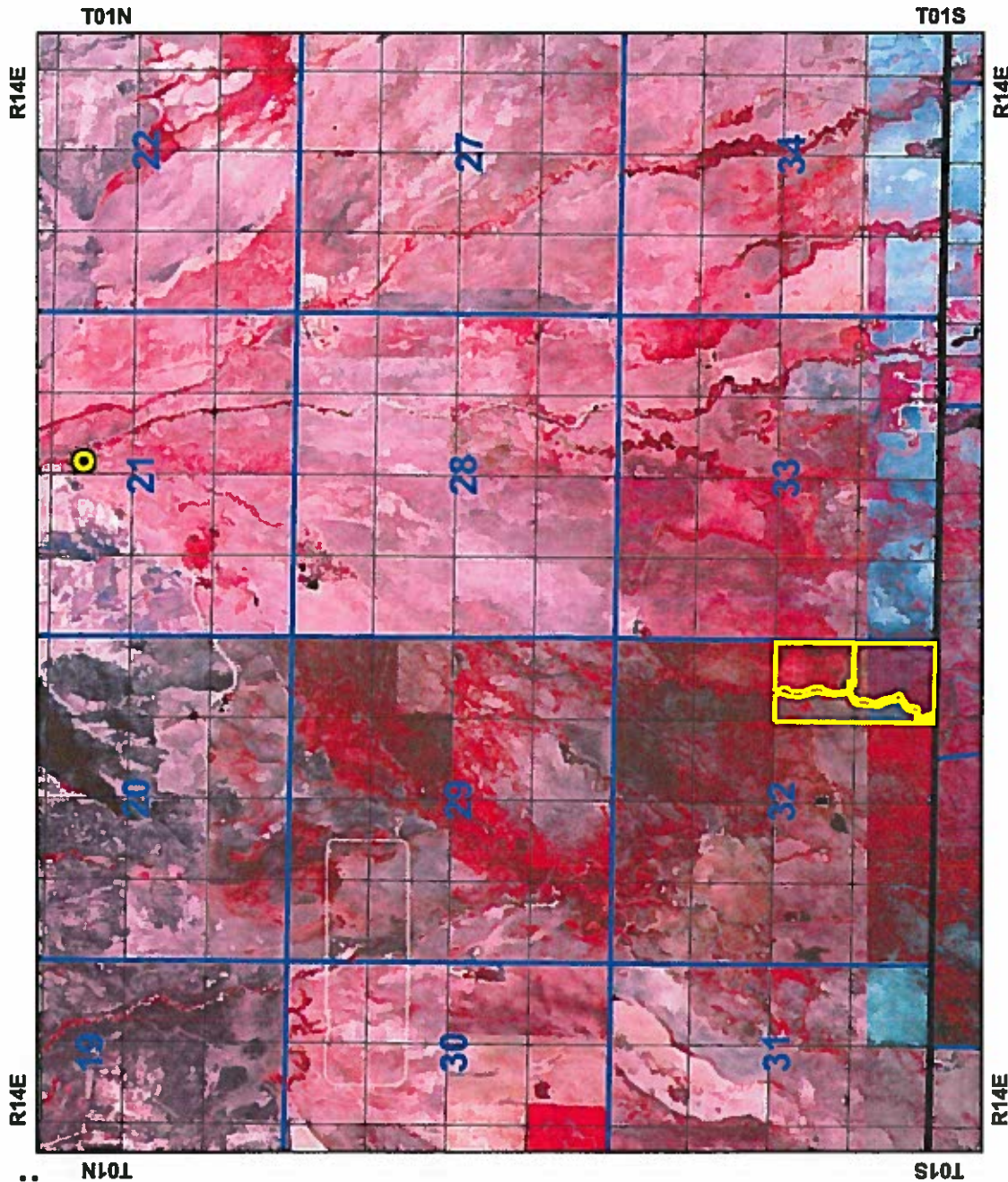
37-3A

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): 37-0003A

Background Data

- Source is Soldier Creek tributary to Camas Creek
- Decreed for 1.0 cfs for Irrigation of 2 QQ
- Claimed 1.0 cfs for Irrigation of 80 acres

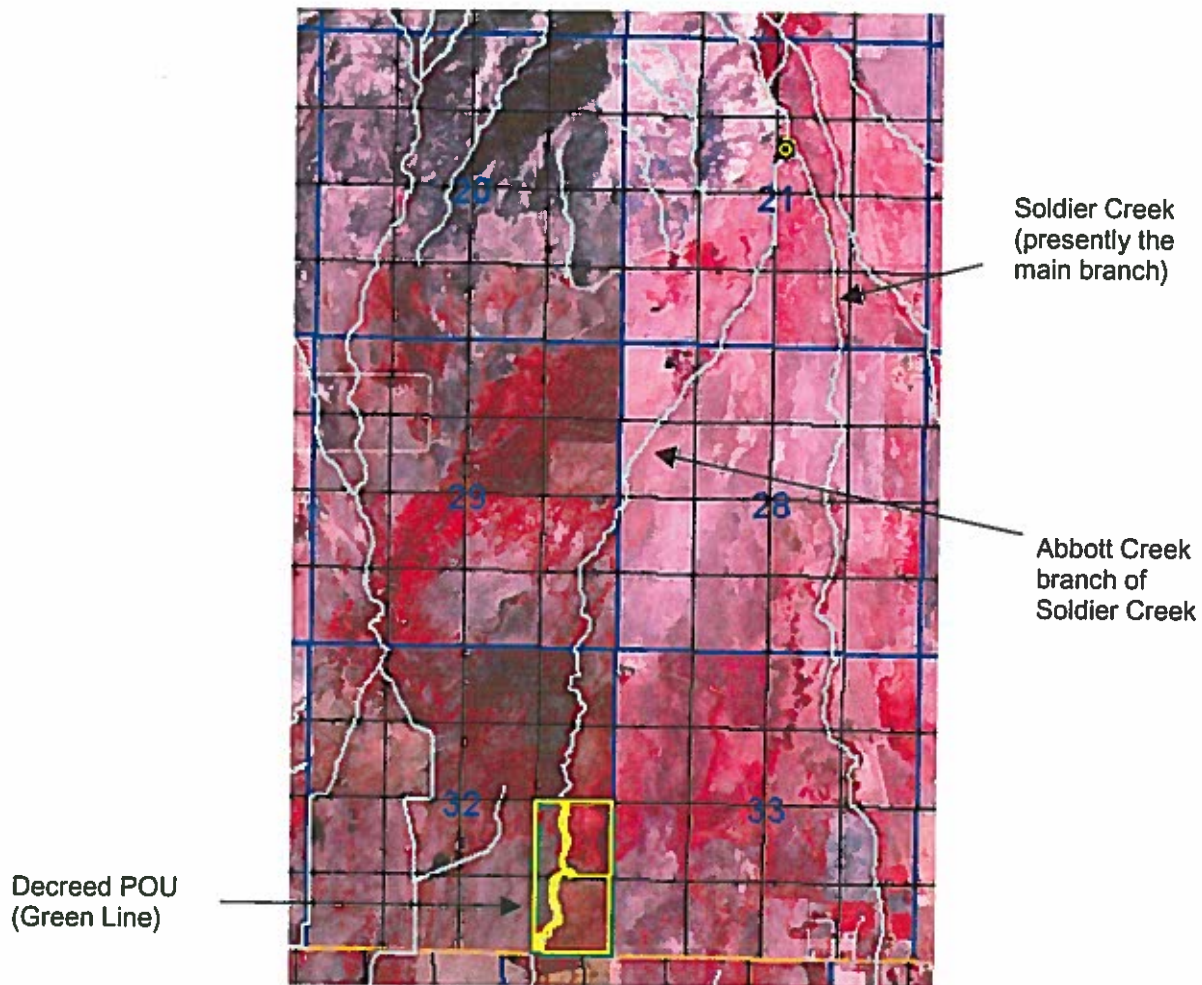
Place Of Use Data

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 71 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.
- POU: 37-0003 was originally decreed for 2.0 cfs on the SE1/4 of Section 32. The land was apparently split into an east and west half, each with 1.0 cfs, and sold to two different people. Hallowell filed Transfer No. 901 (37-0003B) and listed the origin POU as E1/2 of SE1/4 Section 32. In an affidavit dated 6/11/1957, he corrected the origin POU to W1/2 of SE1/4. So the remaining 1.0 cfs (37-0003A) was on the E1/2 of SE1/4 of Section 32, the same as the claimed POU.
- POD is the location on Soldier Creek where water is diverted down the Abbott Creek Branch.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

AFFIDAVIT RE: CLIFFORD HALLOWELL APPLICATION FOR THE
TRANSFER OF WATER RIGHT IN WATER DIST. #6

STATE OF IDAHO,)
:SS.
COUNTY OF CAMAS.)

RECEIVED
JUN 12 1907

Department of Reclamation

G. R. Abbott being first duly sworn upon his oath deposes
and says:

That he was born April 17, 1886, on the SE $\frac{1}{4}$ of Section 32,
Township One North of Range 14 East, Boise Meridian, the son
of G. H. Abbott, the original homesteader and the plaintiff
in the Abbott vs. Reedy water decree. That he has resided on
said property continuously and still resides on the East Half
of said SE $\frac{1}{4}$.

That in 1882, G. H. Abbott filed homestead on said SE $\frac{1}{4}$ and
applied water on the same from Soldier Creek out of what is
known as the Abbott Branch of Soldier Creek from a point of
diversion a few rods north of the North line of said SE $\frac{1}{4}$ and
this point of diversion has been used every year and until the
present time, except for the years 1889 and 1890 when the set-
tlers were driven out by grasshoppers.

That this was the main branch of Soldier Creek for several
years after that location but Soldier Creek formed a Delta
where it emerged from Soldier Creek Canyon, forming six chan-
nels, which run southward across Camas Prairie. These channels
later became known for the old settlers places they ran through
and starting on the west branch were called: 1. Abbott Creek
Branch, 2. Gardner Creek Branch, 3. Baxter Creek Branch,
4. Soldier Creek Branch (from the old town of Soldier), 5.
Johnson Creek Branch and 6. Perkins Creek Branch.

In about the year 1898, Mr. Best blew up a beaver dam on
Soldier Creek, thus obstructing the Abbott Creek Branch to the
extent that the Soldier Creek Branch became the main channel.

I assumed management of the old Abbott Ranch in 1901 and have continued to manage and now own and run the same. I have personally taken care of the water diversion and application since that time and know the above facts to be true and correct from my own personal knowledge.

To my knowledge, there never has been any objection to this place of diversion of the Abbott decreed waters, now owned 50 inches by me on the E $\frac{1}{2}$ SE $\frac{1}{4}$ and 50 inches by Clifford A. Hallowell on the W $\frac{1}{2}$ SE $\frac{1}{4}$ both in section 32, Twp 1 N., Rge., 14 E., B. M. Further this was fully discussed in a regular water meeting of the Soldier Creek users on April 9, 1957, and it was unanimously voted at said meeting that Abbott Branch of Soldier Creek was the place of diversion.

The Alex Gardner ranch which bordered the said SE $\frac{1}{4}$ on the south also diverted their water from Abbott Branch of Soldier Creek and continued to do so as long as it was used on that 160 acres, also with no objection from the Soldier Creek water users.

I have read the application and notice of Clifford A. Hallowell and also the affidavit of the protestants on his application for transfer. I cannot understand the conflict in the facts stated in the minutes of said meeting, at which all of these protestants were present and voted and their sworn statements in the affidavit of protest. The application if granted will not injure me in my water right or use and I cannot see where it will injure any of the protestants, all of which are above him with their diversion points or on another branch of Soldier Creek. Further I believe the application should be granted for it will bring about a more beneficial application of said water. He will not use any more water than he now uses and has a decreed right to use but will use it for a more beneficial use by spreading it over more crop

land, thereby increasing the possible crop yield. One who goes to the expense of installing a sprinkler system or any other modern system of irrigation whereby he can more beneficially apply his water right should surely enure to the water thereby saved for application to his own land. To do otherwise would force him to continue with the past method of gravity flow of the said 50 inches to the said W $\frac{1}{2}$ SE $\frac{1}{4}$ as he has in the past and to which there seems to be no objection or at least was not during these past few years he has so used said water.

G. R. Abbott
Signature of: G. R. Abbott.

Subscribed and sworn to before me this 5th day of
June, 1957.

Chas. O. S. Scoggin
Chas. O. S. Scoggin,
Notary Public of Idaho,
Residence: Fairfield, Idaho.



Water Right Number - 37-00003A

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

1 -
2 -
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City-
Phone -

CLIFFORD

State-
Zip-

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Adj. flag translation: Standard Water Right Number

+ - - Microfilm Rolls -

05/28/88 CONVERT

[illegible]

Field Exam Made	-	00/00/0000
Protested Date	-	00/00/0000
Hearing Date	-	00/00/0000
Verified Date	-	12/09/1985
Receipt Number	-	
Appl Received	-	00/00/0000

Field Exam Fee	-	
Swan Falls	-	
Temporary Right	-	P
DLE/Carey Act	-	
Water District	-	37C
Transfer/Amended	-	P

MICROFILMED
FEB 22 1955