

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: A37-00077B

Date Received: 10/26/1989

Receipt No: 2006710

Received By: hsh

RECEIVED

NOV 20 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROYAL FORK RESTAURANT CORPORATION 208-322-5600
Address: 6874 FAIRVIEW ROAD
BOISE, ID 83704

2. Date of Priority: JUL 15, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	36	NW	NW	NW		CAMAS

5. Description of diverting works:
HEADGATES AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.140		

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

8. Total consumptive use is 518.0 Acre Feet Per Annum.

9. Non-irrigation uses:
IN-STREAM STOCK WATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	13E	31	SW	NW		IRR	30.0
			SE	NW		IRR	10.0
			NE	SW		IRR	40.0

A37-00077B

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Date: 10/26/89

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	13E	31	NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	15.0
			SW		SE		IRR	30.0
			Section Acres				245.0	
		36	SE		NE		IRR	20.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres				300.0	
01S	13E	6	NE		NW		IRR	15.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	30.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	23.0
			SW		SE		IRR	30.0
			Section Acres				338.0	
			Total Acres				883.0	

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:

SOURCE IS ALSO KNOWN AS HIX'S CR. OR BOARDMAN'S CR.
THIS CLAIM IS BASED ON DECREED WATER FROM CARRAL AND MAYS CREEKS
WHICH HAVE LONG SINCE BEEN ABANDONED AS SOURCES SINCE CHIMNEY

14. Remarks: Continued

CREEK AKA SHEEP CREEK PROVED TO BE A BETTER SOURCE AND COMMON PLACE OF DIVERSION FOR THE IRRIGATORS. THE DIVERSION HAS BEEN RECONSTRUCTED MANY TIMES BUT TO THE BEST OF THE CLAIMANTS RECOLLECTION THE FACILITY WAS FIRST BUILT PRIOR TO OR IN THE 1920'S

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

VS

ALTURAS WATER COMPANY, 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 Organizations:

I do solemnly swear or affirm that I am President of _____
Title

Royal Fork Restaurant Corp., that I have signed the foregoing
Organization

document in the space below as President of _____
Title

Royal Fork Restaurant Corp. and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

11-14-59

Date _____

MICROFILMED
FEB 22 1993

State of Idaho)
County of Ada) SS.

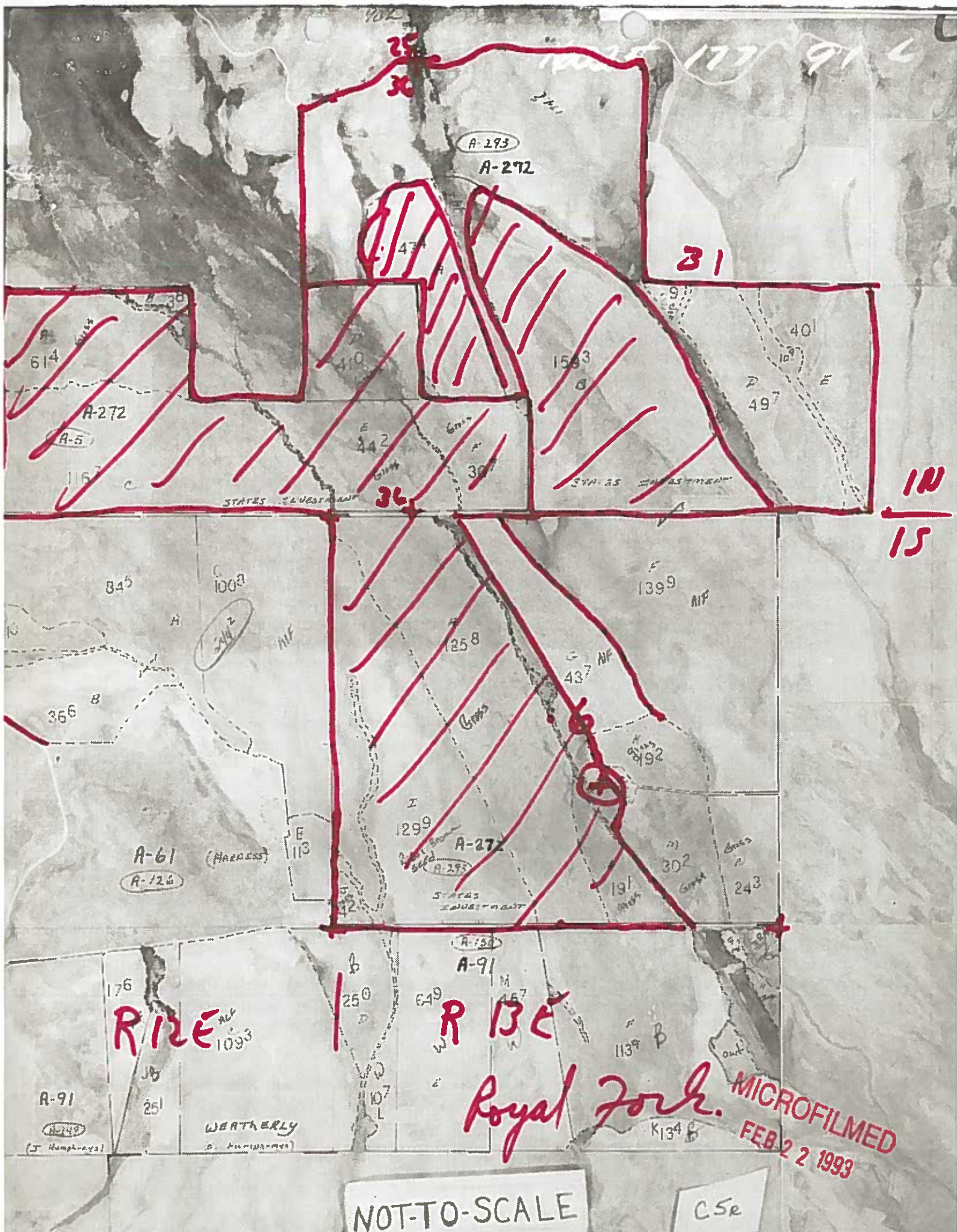
Subscribed and sworn (or affirmed) before me this 14th day
of Nov. 19 89

Sharon Michael Lipton
Notary Public

Seal

Residing at Bowie

My Commission Expires 12/12/94



09/05/2006

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

RIGHT NUMBER: 37-77B

NAME AND ADDRESS: ROYAL FORK RESTAURANT CORP
6874 FAIRVIEW RD
BOISE ID 83704

SOURCE: CHIMNEY CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 3.980 CFS

PRIORITY DATE: 07/15/1886

POINT OF DIVERSION:

T01N R12E S26 SESWSW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
3.980 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R12E S35	NESE	23.00	T01N R12E S35	SWSE	4.00
T01N R12E S35	SESE	36.00	T01N R12E S36	SWSW	13.00
T01S R12E S01	SWNE	19.00	T01S R12E S01 Lot 3	NENW	18.00
T01S R12E S01 Lot 4	NWNW	20.00	T01S R12E S01	SWNW	14.00
T01S R12E S01	SENW	38.00	T01S R12E S01	NESW	4.40
T01S R12E S01	NWSW	0.20	T01S R12E S01	NWSE	9.40

199 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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.



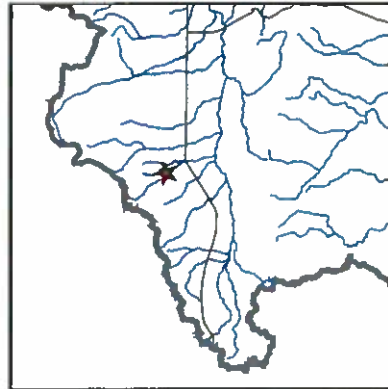
Idaho Department of Water Resources

SRBA Recommendation:

37-77B

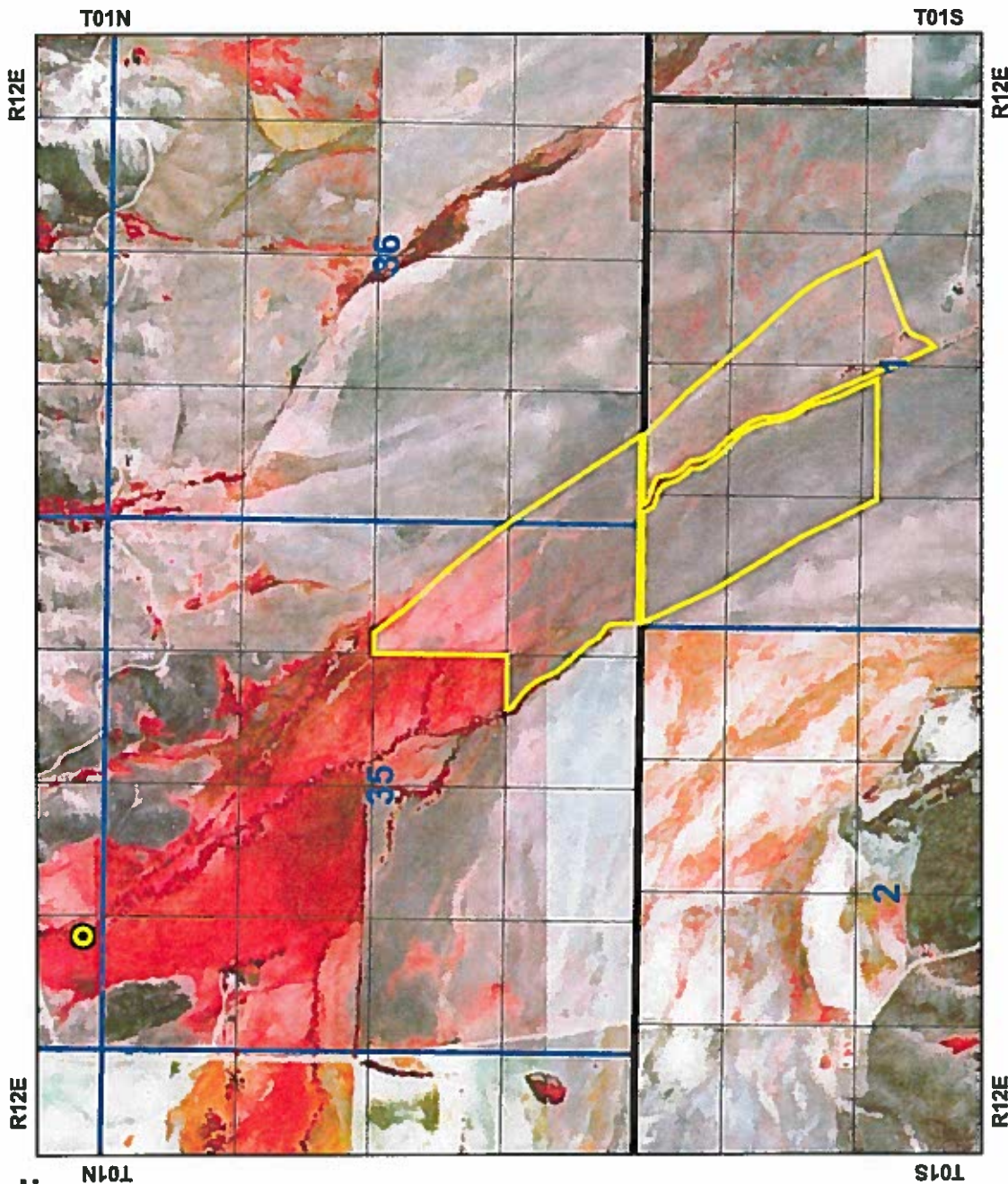
Legend

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



Camas County
IDWR Basin 37

Prepared by M. Anders
On Tuesday, September 5, 2006
1987/88 Aerial Photography



0 0.25 0.5 Miles

Adjudication Claim Notes

Claim(s): 37-77B, 37-13233

Background Data

37-77B

- Source is Chimney Creek tributary to Camas Creek
- Priority date search indicates 37-77 originally decreed for 4.0 cfs on 5 QQ
- SRBA claims:
 - 37-77A claimed 0.02 cfs for Stockwater
 - 37-77B claimed 4.14 cfs for Irrigation of 883 acres

37-13233

- Beneficial Use Claim
- Source is Chimney Creek tributary to Camas Creek
- Claimed 12.0 cfs for Irrigation

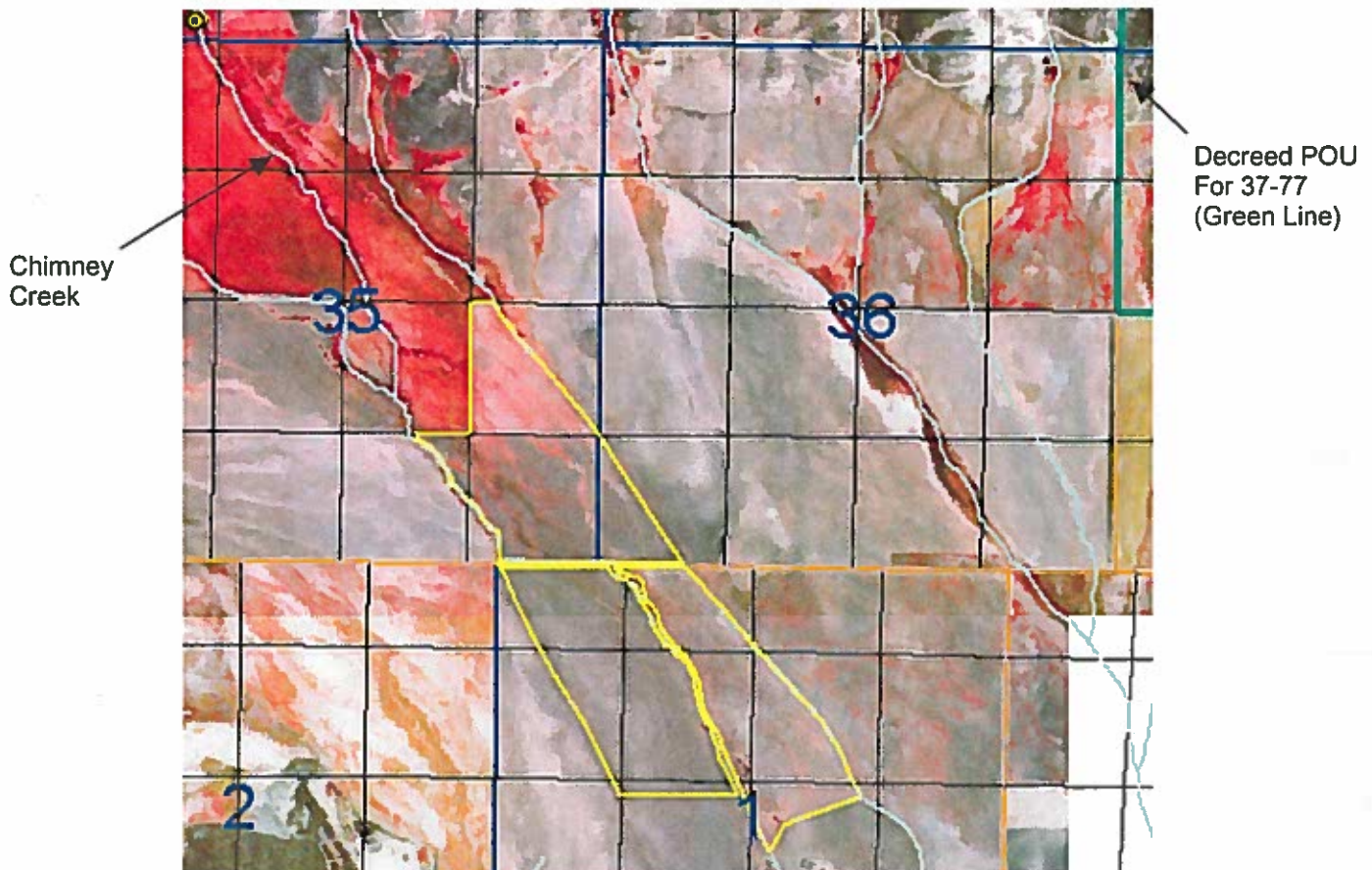
Place Of Use Data

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 R12E Sections 35 & 36; T1S R12E Section 1

- Claimant does not own any of the decreed POU. Since there are no competing claims, it is assumed that the claimant owns the water right has completed an accomplished transfer to move the water to the claimed POU.
- 37-77 was decreed for 4.0 cfs on 5 QQ. Assuming that was 200 acres, the decreed duty of water was 0.02 cfs/acre.
- 37-77A was decreed 0.02cfs for Stockwater. For 37-77B, that leaves 3.98 cfs for Irrigation of 199 acres.
- The map submitted with the claim has the sections labeled incorrectly, resulting in the claimed POU being in the wrong location. By adjusting the sections number, the claim map matches landownership. Since the adjusted map appears to be what they intended to claim, it was used for the SRBA review.
- Found 199 acres of Irrigation. Land in NW quarter of Section 1 SW of Chimney Creek does not appear to be irrigated in 1987, but since there are appear to be ditches, the land was recommended.
- Recommendations:
 - 37-77B: 3.98 cfs for Irrigation of 199 acres
 - 37-13233: Evidence of priority not submitted. Claim disallowed.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

36

31

$$\frac{10}{15}$$

⑥

R12E^{ALL}
1033

R 13 E

Royal Fork.

MICROFILMED
FEB 22 1993

NOT-TO-SCALE

CSR

Water Right Report 37-77

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS G BOARDMAN
	. ID

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	4.000 CFS	
		Total Diversion:	4.000 CFS	

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	13E	30											X L 4						
01N	13E	31					X	X L 1	X L 2	X									

1. SOURCE IS ALSO KNOWN AS HIX'S CR. OR BOARDMAN'S CR.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-77

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
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: