

01/12/2006

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

RIGHT NUMBER: 21-2040

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.060 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/30/1910

POINT OF DIVERSION:

T10N R41E S9 NENENW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.060 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T10N R41E S09 NENW 3.00

DOMESTIC Within FREMONT County

T10N R41E S09 NENW

3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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 - License

09/22/2005

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T10N R41E S09 NENW 3.0
DOMESTIC Within FREMONT County
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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED

AUG 1 2001

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: A21-02040
Date Received: 5/03/1989
Receipt No: C018457
Filed By: _____

NOTICE
AC

1. Name: STATE OF
Address: DEPT. OF
600 S.
BOX 25
BOISE, ID

2. Date of Priority: JUL

3. Source: SPRING

4. Point of Diversion:

Township	Range	Section	1/4 of 1,	1/4	Lot	County
10N	41E	4	NW SE	SW		FREMONT

5. Description of diverting works:
HEADBOX TO STORAGE TANK AND LINE TO HOME AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR ONE HOME

*Changed flow rate
because 8 cfs was
for 40 acres only
3 of which are still
irrigated/claimed.*



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	41E	9	NE	NW		IRR	3.0
			NE	NW		DOMEST	

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 6479

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): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am Director of
IDAHO DEPT. OF FISH & GAME Title
_____, that I have signed the foregoing
Organization
document in the space below as Director of
IDAHO DEPT. OF FISH & GAME Title
_____, and that the statements contained in the
Organization
foregoing document are true and correct.

Director, Signature of Authorized Agent
IDAHO DEPT. OF FISH & GAME
Title and Organization
June 20, 1990
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of June 19 90 Marathys Baker
Notary Public

Seal

Residing at Emmett Idaho
My Commission Expires October 31, 1991
Date: 05/03/89

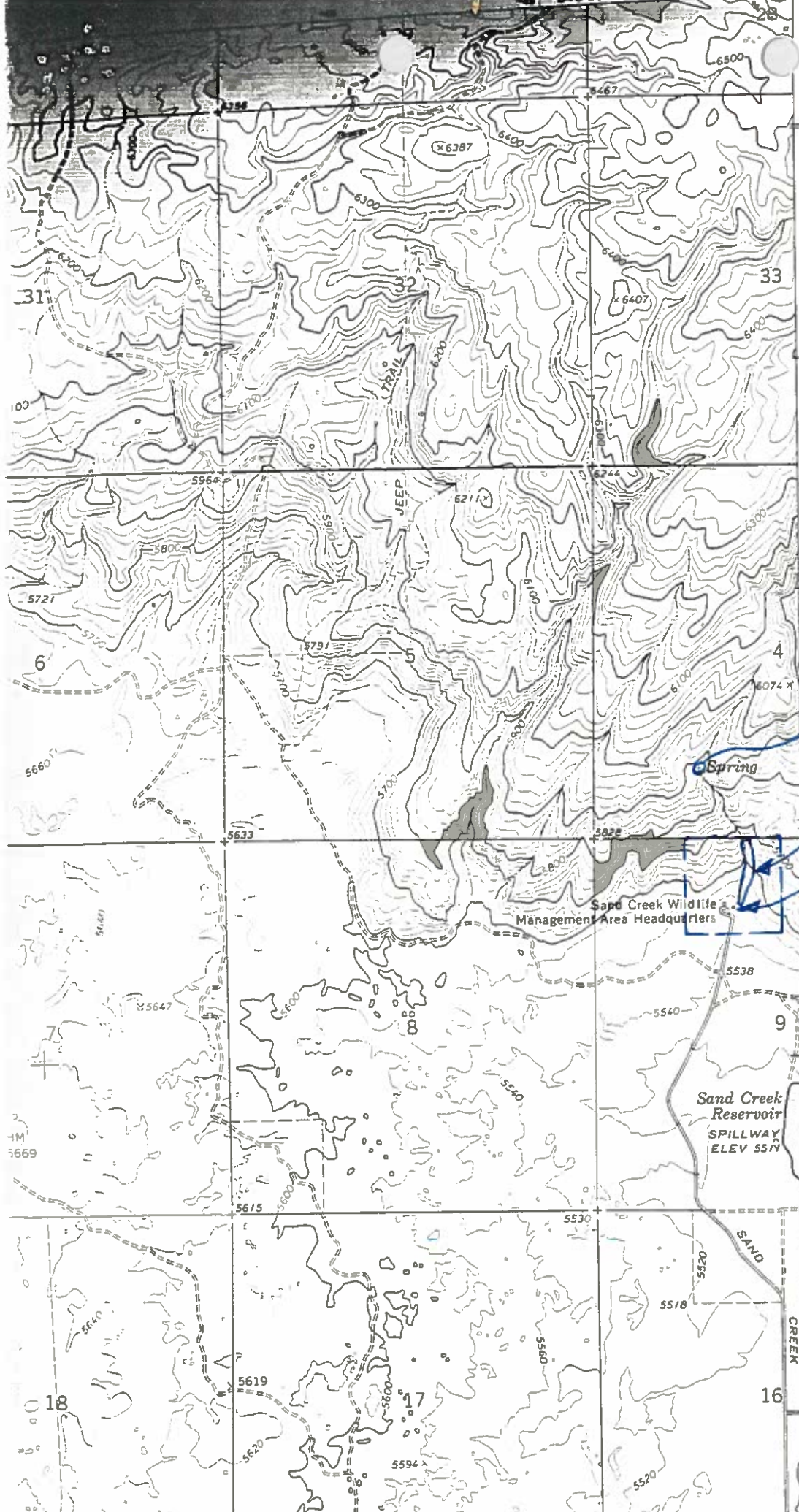
A21-02040

Page

3

MICROFILMED

APR 08 1994



940 000
FEET

POOR ORIGINAL

A 21-02040

T. 11 N.
T. 10 N.

4897

4

Spring

BLUE CR. RESERVOIR 1/4 MI.

12'30"

9

12'30"

12'30"

12'30"

12'30"

12'30"

12'30"

12'30"

12'30"

12'30"

POOR ORIGINAL

MICROFILMED

APR 08 1994

09/22/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 21-2040

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 15 December 2005

SIGNATURE:

Cynthia A Robertson, Staff Biologist

Please print your name:

Cynthia A. Robertson

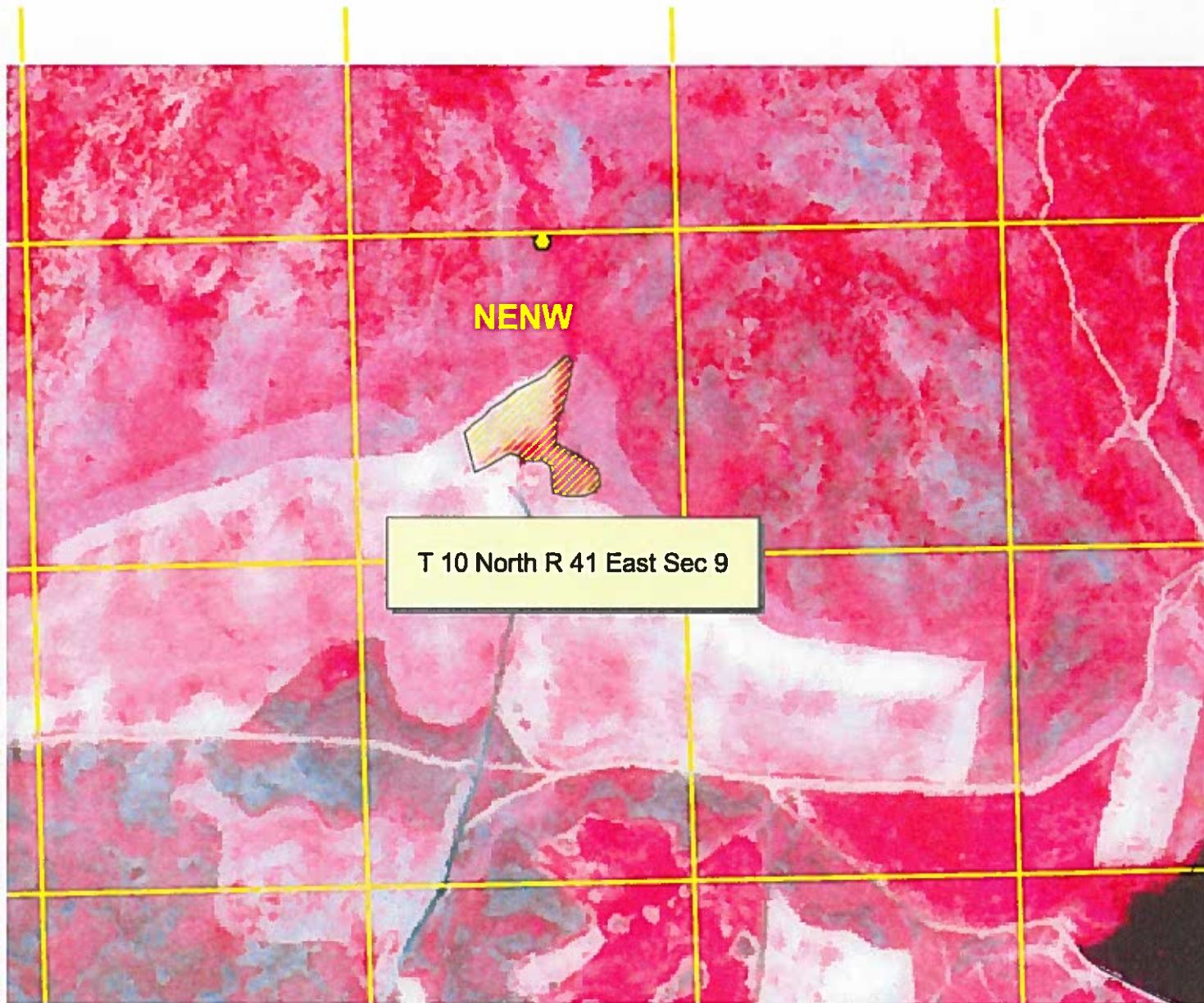
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-2040



500 0 500 1000 Feet

- Place of Use
- Quarter Quarter
- Points Of Diversion

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Sept. 2005



Claim No. 21-2040

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Not linked 7-6-05

Claim no. 212040

Claimant Contact Log

Date **Remarks** **Agent initials**

8-1-05 field inspection

1

Claim Number: 21-02040

Current Owner: Idche Fish Game Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ **Phone No.:** _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: 21-02040

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper. A small, faint mark is visible near the top right corner.

Reviewer: _____

Date: _____

Water Right No(s). 21-02040

GPS DATA: WAT RIGHT 21-02040

Tag # — Location: —

Diversion Data:

Source: SPRING Trib to: SINKS

MOTOR

Make: — Model: — Hp: —
SN: —

PUMP

Make: ✓ Model: — Disch: —
SN: —

NOTES:

Field Exam Date: 8-1-05 Agent: Steve McDonald

Point of Diversion and Source Data Entry Form

Claim Number: 21-02040Water Right Point(s) of diversion and Source.Water Right Point of Diversion: T 10N, R 41E, Sec. 41, NW, SE, SW, County: FRESource: SPRM Tributary to: SNK

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of Q	QQ of Q	County	Source	Tributary to
10N	41E	4		NW	SE-SW	FRE	SPRM	SNK

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of Q	QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD verified by inspection on 8-1-05 by Steve McGrath

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: 21-02040

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
10N	41E	4	NE	NW	Fre		3	Ten 1 Don

Total acres 3

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
10N	41E	4						Ten 1 Don

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

POU verified by inspection on 8-1-05 by Steve McForme
 PHOTO 8-1-05 13:25 (21-02040 POU)

Reviewer: _____ Date: _____

SWSW

SESW

SWSE

NWNW

NENW

NWNE

9

SWNW

SESW

SWNE

21-02040
T10N R41E

SCANNED
DEC 17 2004

PROFILED

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

[illegible]

Reviewer. _____

Date: _____

County, Fremont.
Stream, Spring.
Amount, 8/10 sec. ft.
Use, irrigation and domestic.
Priority, July 30, 1910.

STATE OF IDAHO

Water License No. 6479.

WHEREAS, On the 30th day of July, A. D. 1910, Mary Whittington

of St. Anthony, County of Fremont, State of Idaho, duly made application (No. 9809) to me for a permit to use one (1) cubic foot per second of the waters of a spring located in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 4, T. 10 N. R. 41 E. B. M.,

County of Fremont, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 15th day of August, A. D. 1910, Permit No. 6479 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 15th day of August, A. D. 1912, and for the application to beneficial use of said water on or before the 15th day of August, A. D. 1914, and,

WHEREAS, On the 25th day of January, A. D., 1913, the time for proof of completion of works under said permit was extended to the 1st day of November, A. D. 1913, and,

WHEREAS, On the 20th day of August, A. D. 1913, Mary Whittington

the holder of said permit, duly made proof of the completion of adequate works for the diversion of one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 6479 dated September 6, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one (1) cubic foot per second of said water, with date of priority of July 30, 1910, and,

WHEREAS, On the 2nd day of October, A. D. 1913, Mary Whittington

the holder of said permit, duly made proof of the application to beneficial use of 8/10 of 1 cubic foot per second of said water,

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Mary Whittington

of St. Anthony, County of Fremont, State of Idaho, the holder and owner of said Permit No. 6479, a perpetual right, dating from July 30, 1910 to the use of 8/10 of 1 cubic foot per second of the waters of a Spring located in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 4, T. 10 N. R. 41 E. B. M.,

in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 9, T. 10 N. R. 41 E. B. M.

and conducted to and upon 40 acres, divided as follows: 15 acres in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 25 acres in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 9, T. 10 N. R. 41 E. B. M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 8th day of November A. D., nineteen hundred and thirteen.

(Seal)

F. F. King, State Engineer.

1913

REPORT OF ENGINEER

1. State name of applicant and number of permit: Mary Whittington - Permit 6479
2. State source of water supply: Spring
3. Location of point of diversion: N $\frac{1}{2}$ NW $\frac{1}{2}$ Sec. 9, T. 10 N., R. 41 E. S. N.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 1 ft.
- (b) Width at water line: 1 $\frac{1}{2}$ ft.
- (c) Depth of water: 6 in.
- (d) Grade per mile: 10 ft.
- (e) Capacity of ditch: one second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Yes 40 inches

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Part of E $\frac{1}{2}$ NW $\frac{1}{2}$ & W $\frac{1}{2}$ NW $\frac{1}{2}$, Sec. 9, T. 10 N., R. 41 E. S. N.

N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ 15 acres. N.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ 25 acres.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Ditch has been completed and water used for three years.

RECEIVED

NOV 28 1913

OFFICE OF STATE ENGINEER

J. W. Kenney.

STATE OF IDAHO,

County of Treasure } ss.

J. W. Kenney, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 28 day of October 1913

My Commission Expires Dec 15 1915 George A. Tenney 6479 Notary Public.

[illegible]

5

—SECS—

53

RECEIVED
JUN 28 1913
OFFICE OF STATE ENGINEER

SCALE: 2 INCHES=1 MIL. LAW PLAN IN INK.