

12/01/2005

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

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RIGHT NUMBER: 21-2064

NAME AND ADDRESS: CLEMENT ENTERPRISESS  
PO BOX 99  
LEWISVILLE ID 83431

SOURCE: WARM RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.520 CFS

PRIORITY DATE: 04/28/1915

POINT OF DIVERSION:  
T12N R44E S9 SWSE Within FREMONT County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/15          | 0.520 CFS       |
| STOCKWATER            | 04/15 10/15          | 0.140 CFS       |

PLACE OF USE: IRRIGATION Within FREMONT County

|               |      |      |               |      |     |
|---------------|------|------|---------------|------|-----|
| T12N R44E S09 | SWSE | 19.0 | T12N R44E S09 | SESE | 4.4 |
|---------------|------|------|---------------|------|-----|

STOCKWATER Within FREMONT County

|               |      |               |      |
|---------------|------|---------------|------|
| T12N R44E S09 | SWSE | T12N R44E S09 | SESE |
|---------------|------|---------------|------|

23.4 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 - License

SCANNED

AUG 10 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: A21-02064  
Date Received: 2/08/1989  
Receipt No: E006059  
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CLEMENT BROTHERS  
Address: P.O. BOX 99  
LEWISVILLE, ID 83431  
208-754-4611

2. Date of Priority: APR 28, 1915

3. Source: WARM RIVER SPRINGS  
Trib. to: SNAKE RIVER, HENRYS  
WARM RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 12N      | 44E   | 9       | SW     | SE     |     |     | FREMONT |
|          |       |         | SE     | SE     |     |     | FREMONT |
|          |       | 17      | NE     | SE     |     |     | FREMONT |

5. Description of diverting works:  
PUMP IN STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 1.500  |      |        |
| STOCKWATER | 04/15 | 10/15 | 0.140  |      |        |

7. Total Qu

8. Total co

9. Non-irri  
STOCKW

A21-0206

08/89

A2102064



POD found By  
Steve McCormick  
POV is all in that section  
below canal as topography  
goes

MICROFILMED

OCT 20 1992

10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|---------------|----|-----|-----|-------|-------|
| 12N      | 44E   | 9       | SW            |    | SE  |     | IRR   | 20.0  |
|          |       |         | SW            |    | SE  |     | STOCK |       |
|          |       |         | SE            |    | SE  |     | IRR   | 15.0  |
|          |       |         | SE            |    | SE  |     | STOCK |       |
|          |       |         | Section Acres |    |     |     |       | 35.0  |
|          |       | 17      | NE            |    | SE  |     | IRR   | 32.0  |
|          |       |         | NE            |    | SE  |     | STOCK |       |
|          |       |         | Section Acres |    |     |     |       | 32.0  |
|          |       |         | Total Acres   |    |     |     |       | 67.0  |

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

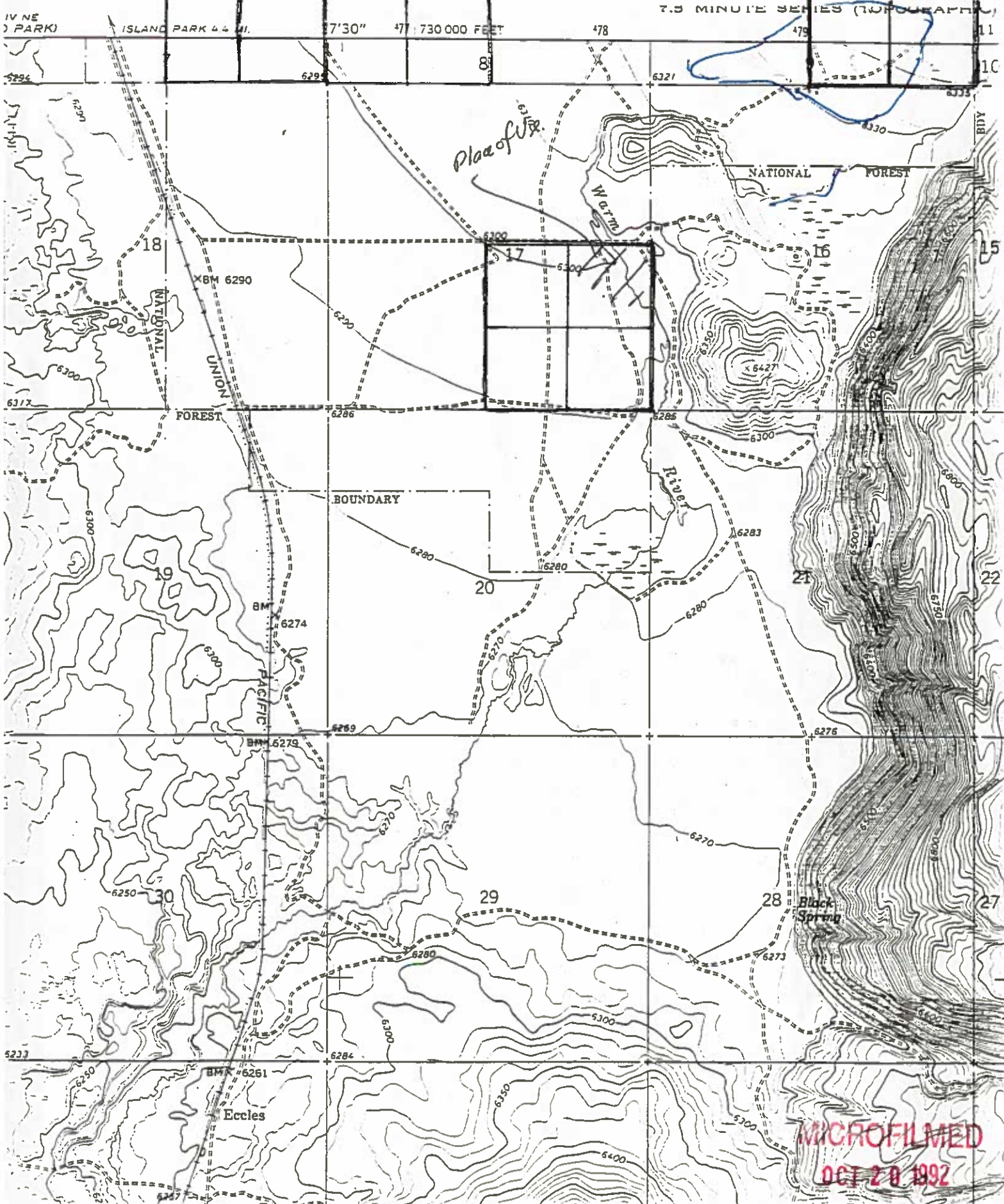
14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 11428

(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   X   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

MICROFILMED  
OCT 20 1992

T 12 N R 44 E



MICROFILMED  
OCT 20 1992

12/01/2005

**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: 21-2064

CLEMENT ENTERPRISES

PO BOX 99

LEWISVILLE ID 83431

Telephone Number: (208)754-4611

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:

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

DATE: 14 DEC 05

SIGNATURE: [Signature]

Please print your name: SWAN BOWEN

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

WE NO LONGER OWN THIS PROPERTY. IF  
I CAN BE OF ASSISTANCE, PLEASE LET  
ME KNOW -

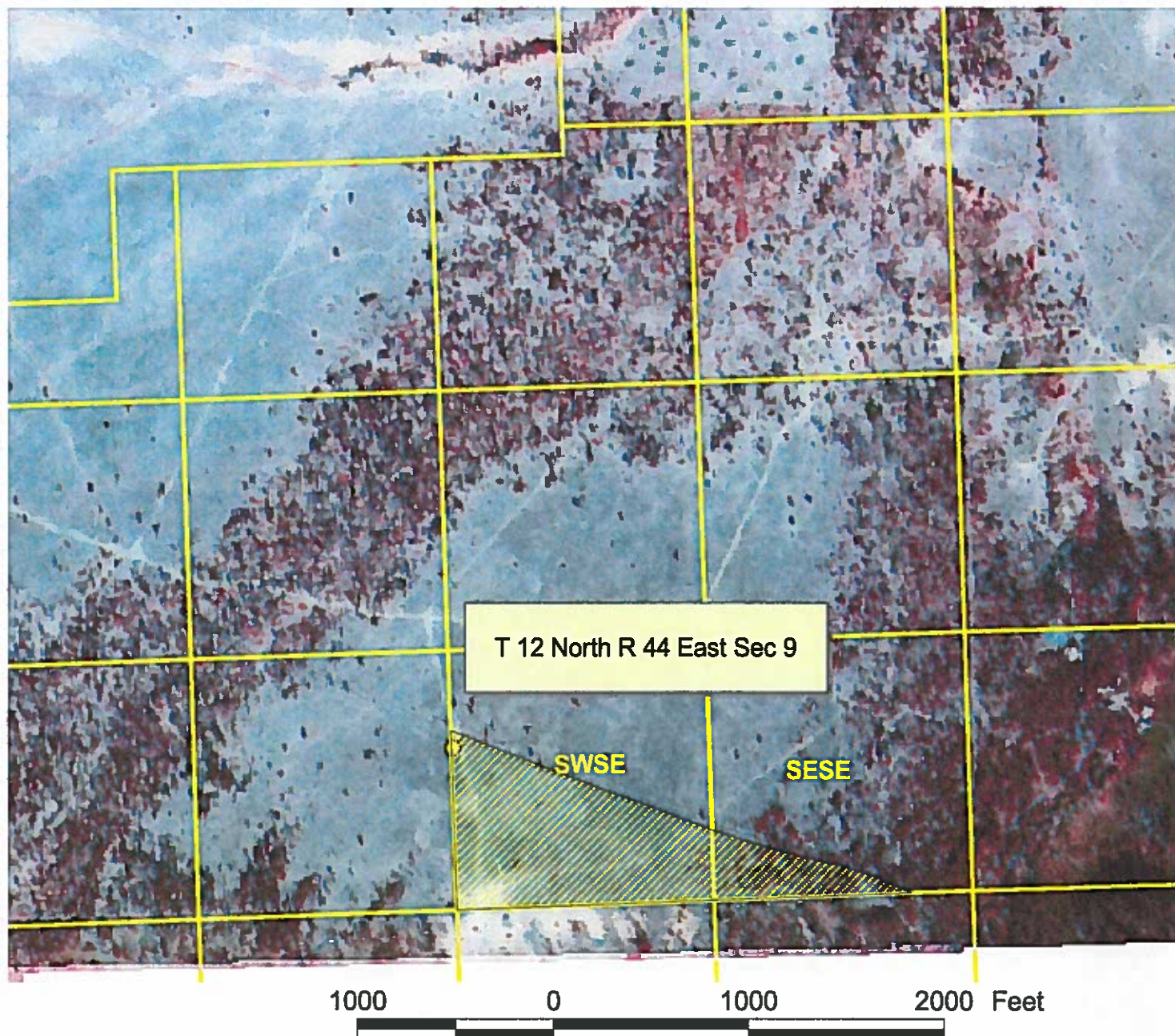
[Signature]



State of Idaho  
Department of Water Resources  
Eastern Region



Claim No.(s): 21-2064



- Place of Use
- Quarter Quarter
- Points Of Diversion

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



Claim no. 21-02064

### Claimant Contact Log

Date \_\_\_\_\_

### Remarks

Agent initials

Anderson, Leonard +  
Sgt. Thelk UT.

Claim No. 21-2264

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

## Contacts Data Entry Form

Claim Number: 21-02064

| Owner Type | Full Name | Address | City | State | Zip |
|------------|-----------|---------|------|-------|-----|
|------------|-----------|---------|------|-------|-----|

|                |                         |  |  |  |                  |
|----------------|-------------------------|--|--|--|------------------|
| Current Owner: | <u>Simson Bros. LLC</u> |  |  |  | Phone No.: _____ |
|----------------|-------------------------|--|--|--|------------------|

|                |                           |  |  |  |                  |
|----------------|---------------------------|--|--|--|------------------|
| Current Owner: | <u>5623 Willow Cr Rd.</u> |  |  |  | Phone No.: _____ |
|----------------|---------------------------|--|--|--|------------------|

|                |                          |  |  |  |                  |
|----------------|--------------------------|--|--|--|------------------|
| Current Owner: | <u>No. Las Vegas, NV</u> |  |  |  | Phone No.: _____ |
|----------------|--------------------------|--|--|--|------------------|

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_.

Representing Attorney: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_ Date of Field Exam: \_\_\_\_\_

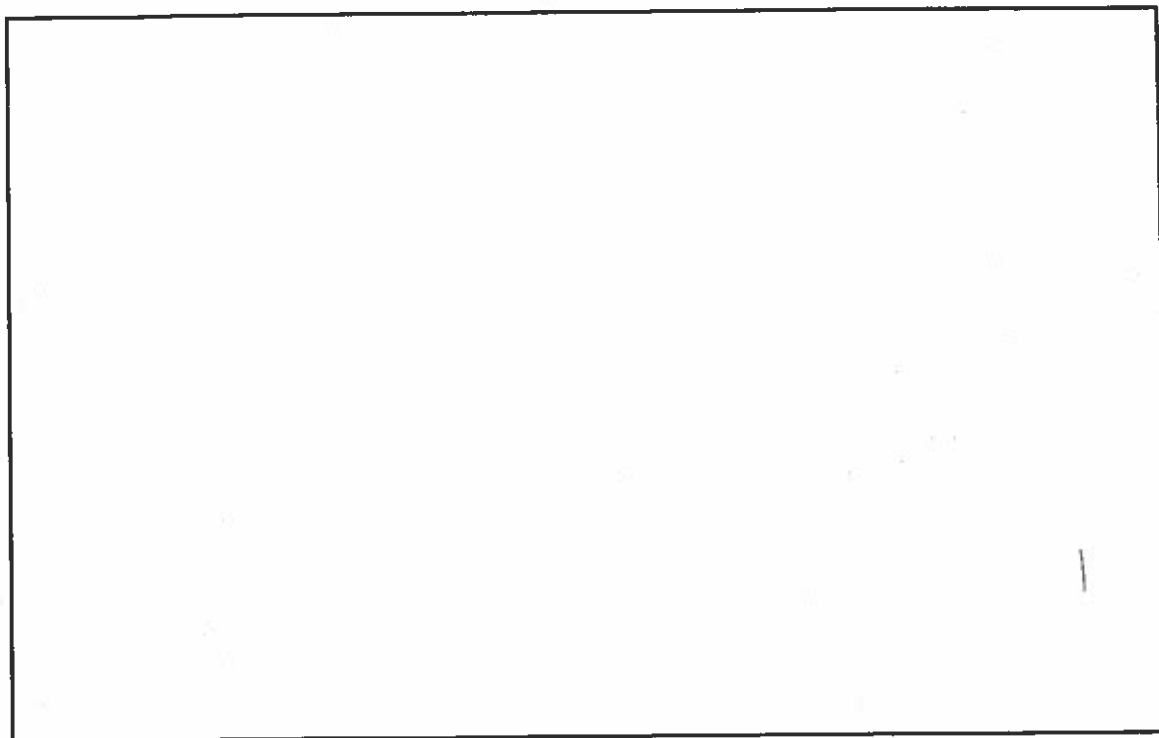
Discussion of right origin and split history. Questions and problems.

Registered Agent: Stephen Martin 208-523-6644  
425 S. Holmes  
IF ID 83401

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_



Water Right No(s). 21-02064



**GPS DATA:**

Tag # \_\_\_\_\_ Location: \_\_\_\_\_

**Diversion Data:**

Source: \_\_\_\_\_ Trib to: \_\_\_\_\_

**MOTOR**

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Hp: \_\_\_\_\_

SN: \_\_\_\_\_

**PUMP**

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Disch: \_\_\_\_\_

SN: \_\_\_\_\_

**NOTES:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Field Exam Date: \_\_\_\_\_ Agent: \_\_\_\_\_

**Claim Number:** \_\_\_\_\_

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

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

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

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

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

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

Other rights from this POD? \_\_\_\_\_

Transfers Pending or approved: \_\_\_\_\_

**Document how the POD and Source were verified:**

[illegible]

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

**Claim Number:** \_\_\_\_\_

[illegible]

Total acres \_\_\_\_\_

[illegible]

**Total acres** \_\_\_\_\_

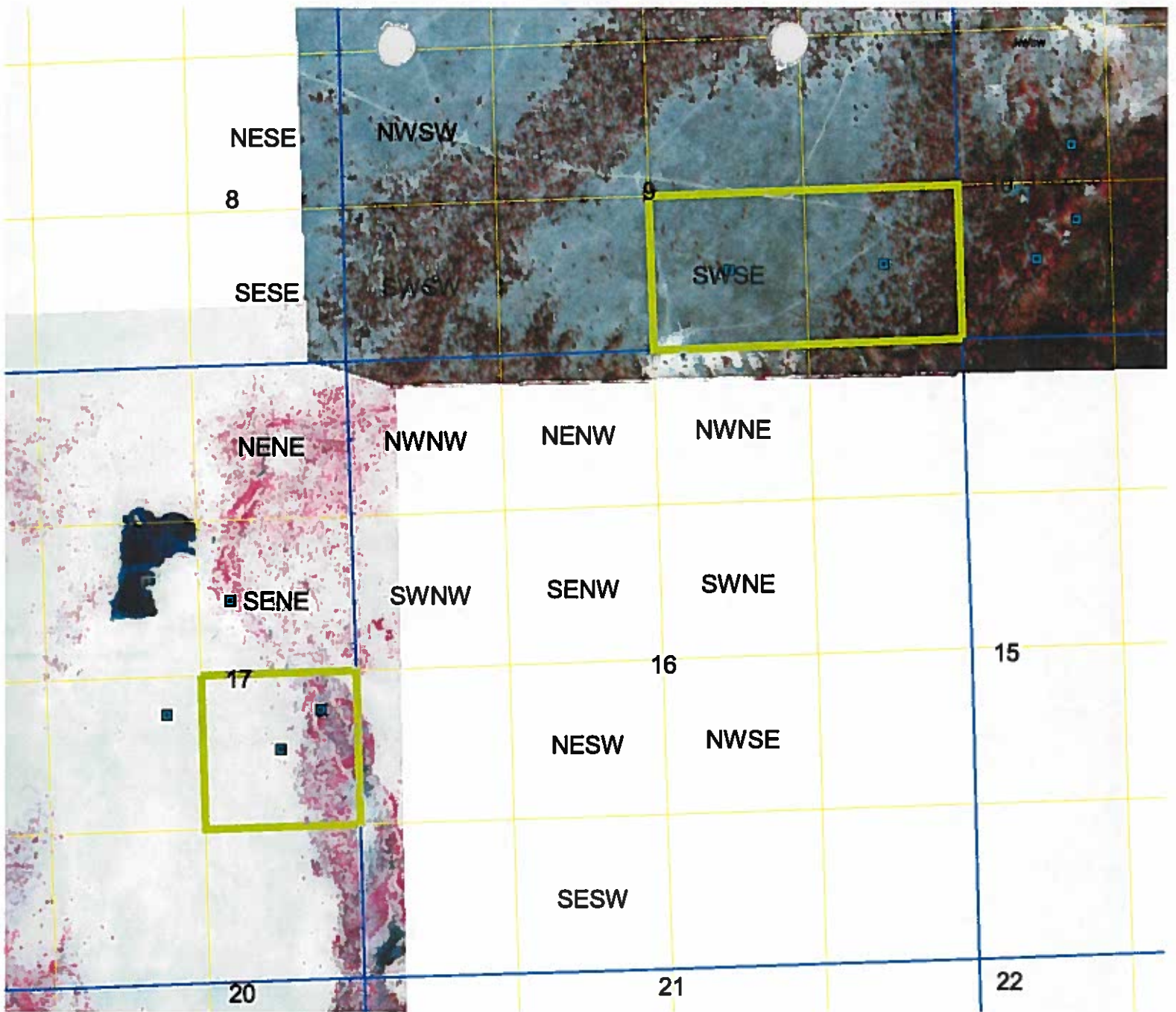
Pending or approved Transfers: \_\_\_\_\_

Overlapping rights: \_\_\_\_\_

**Document how the POU was verified:**

[illegible]

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_



**21-02064**  
**T12N R44E**

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: \_\_\_\_\_

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 11428  
 Water District No. 36-A

Amount 1.5 cfs  
 Priority 4-28-1915

THIS IS TO CERTIFY that **WM. B. HOPPER**  
 of **Rexburg, Idaho**, made application for a permit to appropriate the  
 public waters of the State of Idaho, dated **April 28th**, 19 **15**; that Permit No. 11428  
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of **3 1/6**  
 second feet, was issued thereunder on **September 30th**, 1915, showing that said works  
 were completed on the **27th** day of **September**, 19 **15**; and that on the **16th**  
 day of **September**, 19 **16**, **WM. B. HOPPER**

of **Rexburg**, State of **Idaho**, made proof to the satisfaction of the  
 State Engineer of Idaho, of a right to the use of the waters of **Warm River and Springs**,  
 a tributary of **Warm River**, for the purpose of irrigation and domestic use,  
 under Use Permit No. 11428 of the State Engineer, and that said right to the use of said  
 waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State  
 Engineer of Idaho and entered of record in Volume **5** of Licenses, at page **2313**, on the **25th**  
 day of **July**, 19 **18**;

The right hereby confirmed dates from **April 28th**, 19 **15**;

are  
 The Point of Diversion is located as follows: **Warm River in SE 1/4 SW 1/4 Sec. 10, T. 12 N. R. 44 E. B.M.; Spring No. 1 in SW 1/4 NE 1/4 Sec. 10; Spring No. 2**  
 in the **NE 1/4 SW 1/4 Sec. 10, Tp. 12 N., R. 44 E., B.M.**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not  
 exceed **1.5** cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|------------------|----------------------------------|---------------------------------|
| 12 N | 44 E  | 9    | SW 1/4 SW 1/4    | 40                               | 5                               |
|      |       |      | SE 1/4 SW 1/4    | 40                               | 15                              |
|      |       |      | SW 1/4 SE 1/4    | 40                               | 25                              |
|      |       |      | SE 1/4 SE 1/4    | 40                               | 2                               |
|      |       | 16   | NE 1/4 NW 1/4    | 40                               | 2                               |
|      |       |      | NW 1/4 NE 1/4    | 40                               | 15                              |
|      |       |      | NE 1/4 NE 1/4    | 40                               | 3                               |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of  
 use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this **25th**  
 day of **July**, 19 **18**.

(SEAL)

FRED A. WILKIE

State Engineer.

21-2064

## REPORT OF ENGINEER

1. State name of applicant and number of permit: Wm. B. Hopper- No. 11428
2. State source of water supply: Warm River- and Springs
3. Location of point of diversion: Spring No. 1-SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 10: Spring No. 2-NE $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec. 10: Warm River- SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 10, T. 12 N., R. 44 E.B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: \_\_\_\_\_
5. Describe works as they exist, giving dimensions and capacities of same: \_\_\_\_\_  
"Spring No. 1"- open ditch E. embankment 50' long, 1' high, directs flow spring channel- on headgate, -  
Ditch is 2' wide on bottom, 3' wide at water level, 1' deep, grade 10' per mile; capacity 3 second feet.  
"Spring No. 2"- open ditch from spring - No headgate - Ditch is 1' wide on bottom,  
3' wide at water level, 1' deep, grade 5' per mile, capacity 3 second feet.  
Warm River - Earth dam - 20' long, 2' high - on headgate - Open ditch - 2' wide on bottom,  
3.5' wide at water level, 1' deep, grade 5' per mile, capacity 4 second feet.  
See REMARKS:-
6. State whether or not water has been turned into works of diversion: Yes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): All in T. 12 N. R. 44 E. B.M.  
Sec. 9 - SW $\frac{1}{4}$  SW $\frac{1}{4}$  - 5 Acres  
- SE $\frac{1}{4}$  SW $\frac{1}{4}$  - 15 "  
- SW $\frac{1}{4}$  SE $\frac{1}{4}$  - 25 "  
- SE $\frac{1}{4}$  SE $\frac{1}{4}$  - 10 "  
Sec. 16 - NE $\frac{1}{4}$  NW $\frac{1}{4}$  - 2 "  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  - 15 "  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  - 3 "  
Total - 75 Acres
8. Submit map on enclosed plat, showing location and details of above description.
- Remarks: There is also an old ditch which diverts from Warm River in SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 10,  
T. 12 N. R. 44 E. B.M. and which leads to the land covered by the ditch from Warm River  
described above. This work consists of a dam of earth & logs 75' long, 3' high, and  
ditch 7' wide on bottom, 12' wide at top, 3' deep, grade 3' per mile, capacity 10 sec. ft.
- This examination was made on the 17th day of October 1917.
- (Signed) Edward E. Hopper, Jr. Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of \_\_\_\_\_ } ss.

\_\_\_\_\_, 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.

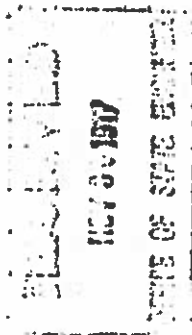
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_\_

My Commission Expires \_\_\_\_\_

Notary Public.

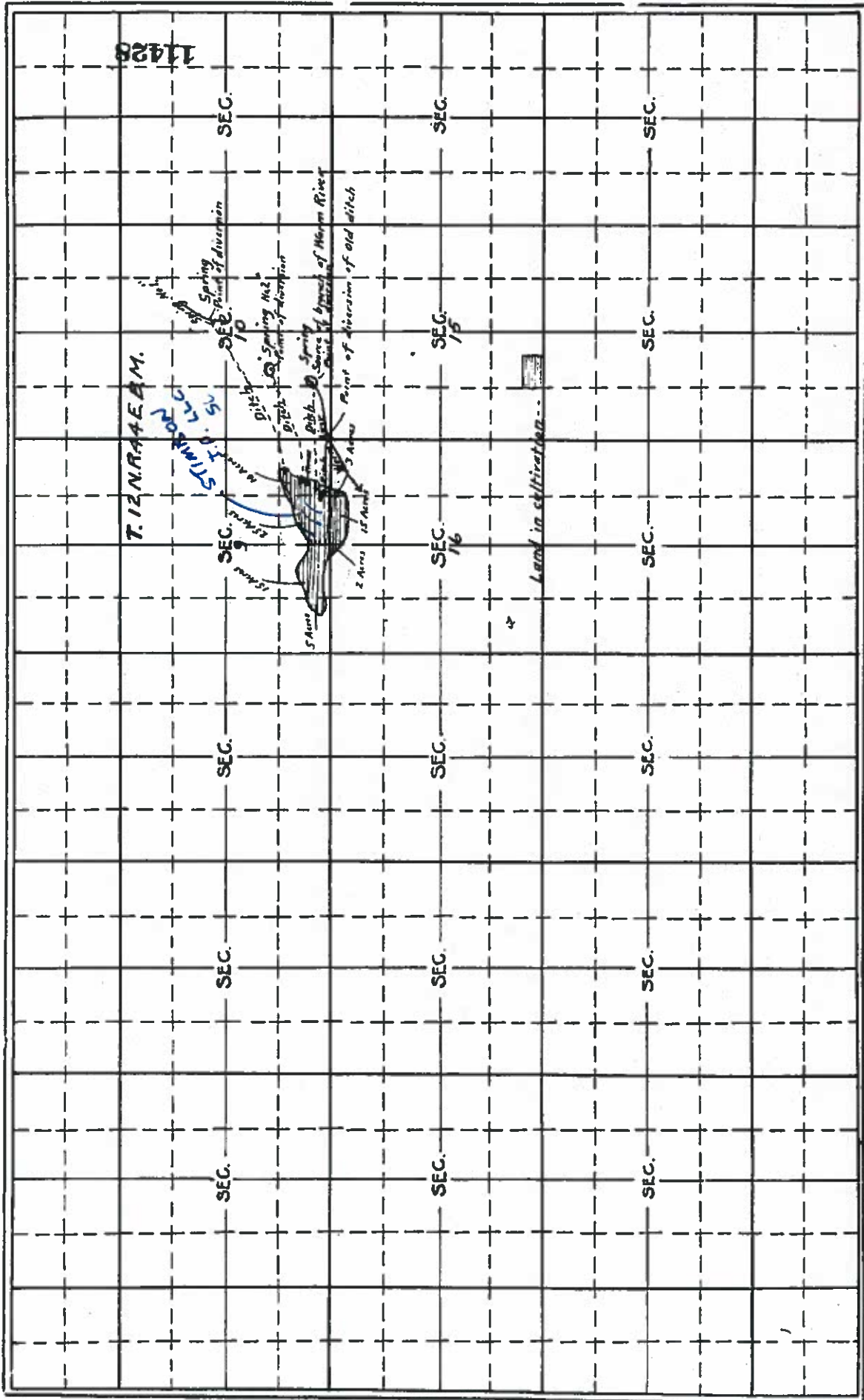
Dist. No. 26-A

Wm. B. Hopper- Ashton.



Name of Applicant... *Wm. B. Yep* ... Permit... *11428* ...

*8303 N. M. V. C. R. 8303*



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK