

12/19/2006

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

RIGHT NUMBER: 67-667
NAME AND ADDRESS: ROBERT J SEVY
PO BOX 24
STANLEY ID 83278

SOURCE: UNNAMED STREAM TRIBUTARY: WEISER RIVER

QUANTITY: 0.290 CFS

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION:

T14N R03W S1 SENENW Lot 3 Within WASHINGTON County

T15N R03W S36 SESWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 10/31	0.290 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S01 Lot 3 NENW	21.00	T14N R03W S01 Lot 4 NWNW	1.00
T14N R03W S01 SWNW	0.20	T14N R03W S01 SENW	0.80

23 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 point of diversion pursuant to Section 42-1425, Idaho Code.

Source is also known as East Jensen Creek.



Idaho Department of Water Resources

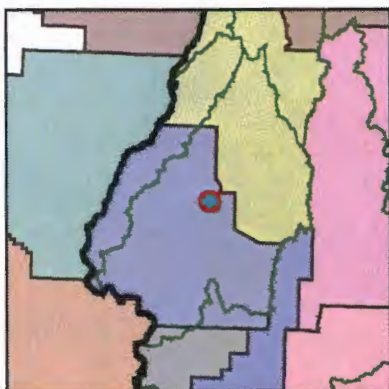
SRBA Recommendation:

67-667

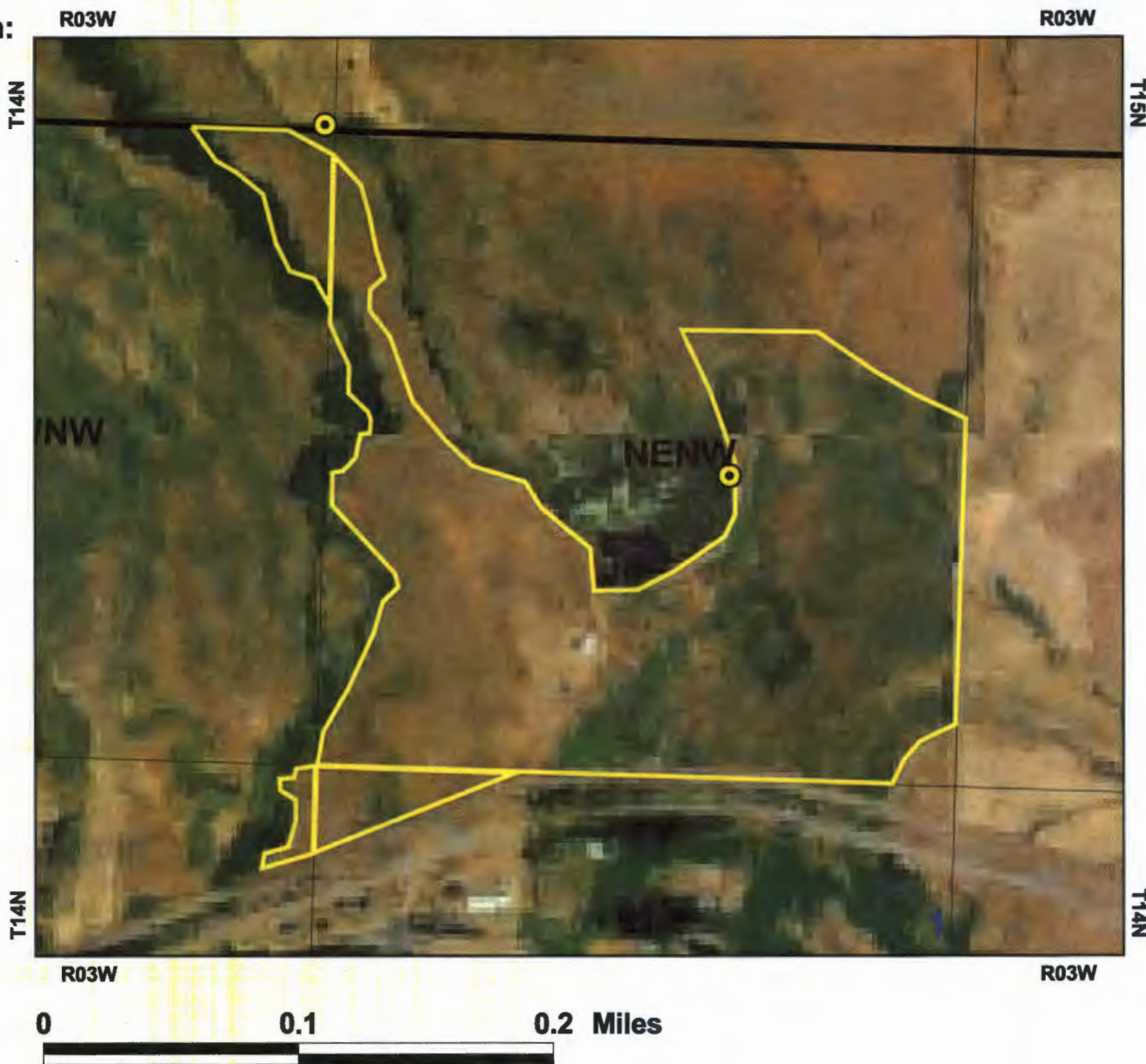
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by L. Graves
On Tuesday, December 19, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-667 V1

WATER RIGHT NUMBER: 67-667 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELSIE BURENSCHOEN
	, ID
Original Owner	CLARA ALLISON
	, ZZ
Current Owner	ROBERT J SEVY
	PO BOX 24
	STANLEY, ID 83278
	(208)774-3800

Priority Date: 05/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 10/31	0.290 CFS	
	<u>Total Diversion:</u>	0.290 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	L3 (SE1/4NE1/4NW1/4)	Sec. 1, Twp 14N, Rge 03W, B.M.
WASHINGTON County		
UNNAMED STREAM	SE1/4SW1/4SW1/4	Sec. 36, Twp 15N, Rge 03W, B.M.
WASHINGTON 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	
14N	03W	1					21.0	1.0	.2	.8									23.0
							L 3	L 4											

Total Acres: 23

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. B01 Source is also known as East Jensen Creek.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-667 V1

3. C18 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.

Remarks:Comments:

1. Igraves 11/18/2006 Parcel Nos.

Comment: Irrigation is within Parcel Nos. RP14N03W012400 and RP14N03W013610.

2. Igraves 11/18/2006 P/D

Comment: The S36 p/d was described in the decree. The S1 p/d is not described in the decree but can be considered an accomplished transfer since it diverts from an on-stream pond that appears in 1974 and 1987 aerial photos and on the topo map.

3. Igraves 11/18/2006 P/U

Comment: Recommended the 23 decreed acres throughout the original decree p/u description (copy of the decree submitted by the claimant in file). County tax records indicate claimant currently owns all the recommended acres.

4. Igraves 11/18/2006 Flow Rate

Comment: Decree describes 23 acres at 14.375 inches of water or 5/8ths inch/acre.

5. Igraves 11/18/2006 Source

Comment: Source is not labeled on the topo map and has been recommended as unnamed stream with condition B01per department standards.

6. Igraves 12/19/2006 Notice of Error

Comment: P/ds and phone number changed per Notice of Error.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

RECEIVED

DEC 18 2006

WATER RESOURCES
WESTERN REGION

11/20/2006

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: December 8, 2006

Water right number: 67-667

ROBERT J SEVY

PO BOX 24

STANLEY ID 83278

Telephone Number: (208) 774-~~2200~~

3900

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

Points of Diversion

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

The points of Diversion can be more accurate.
(see white dots on your map)

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

Washington County ASCS assisted us in 1993 to establish an irrigation system w/ cement headgate to irrigate the lower field. That headgate is the point of diversion.

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

DATE: 12/8/06

SIGNATURE:

Robert J Sevy

Please print your name:

Robert J Sevy

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190



Idaho Department of Water Resources

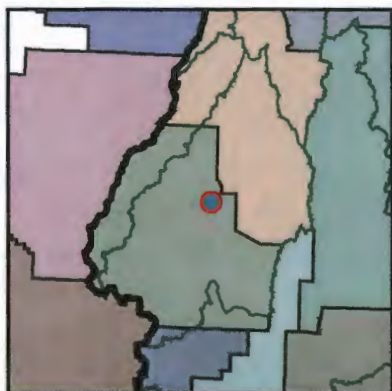
SRBA Recommendation:

67-667

(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by L. Graves
On Saturday, November 18, 2006
1987/88 Aerial Photography

11/18/2006

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

RIGHT NUMBER: 67-667

NAME AND ADDRESS: ROBERT J SEVY
PO BOX 24
STANLEY ID 83278

SOURCE: UNNAMED STREAM

TRIBUTARY: WEISER RIVER

QUANTITY: 0.290 CFS

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION:

T14N R03W S1 SENENW Lot 3 Within WASHINGTON County

T15N R03W S36 SWSESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 10/31	0.290 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S01 Lot 3 NENW	21.00	T14N R03W S01 Lot 4 NWNW	1.00
T14N R03W S01 SWNW	0.20	T14N R03W S01 SENW	0.80

23 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Source is also known as East Jensen Creek.



Idaho Department of Water Resources

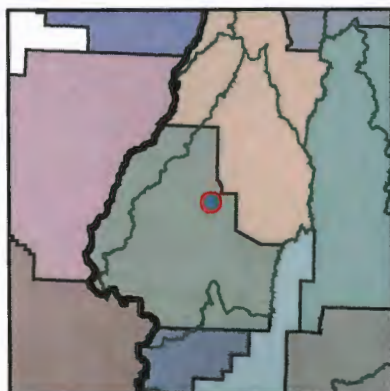
SRBA Recommendation:

67-667

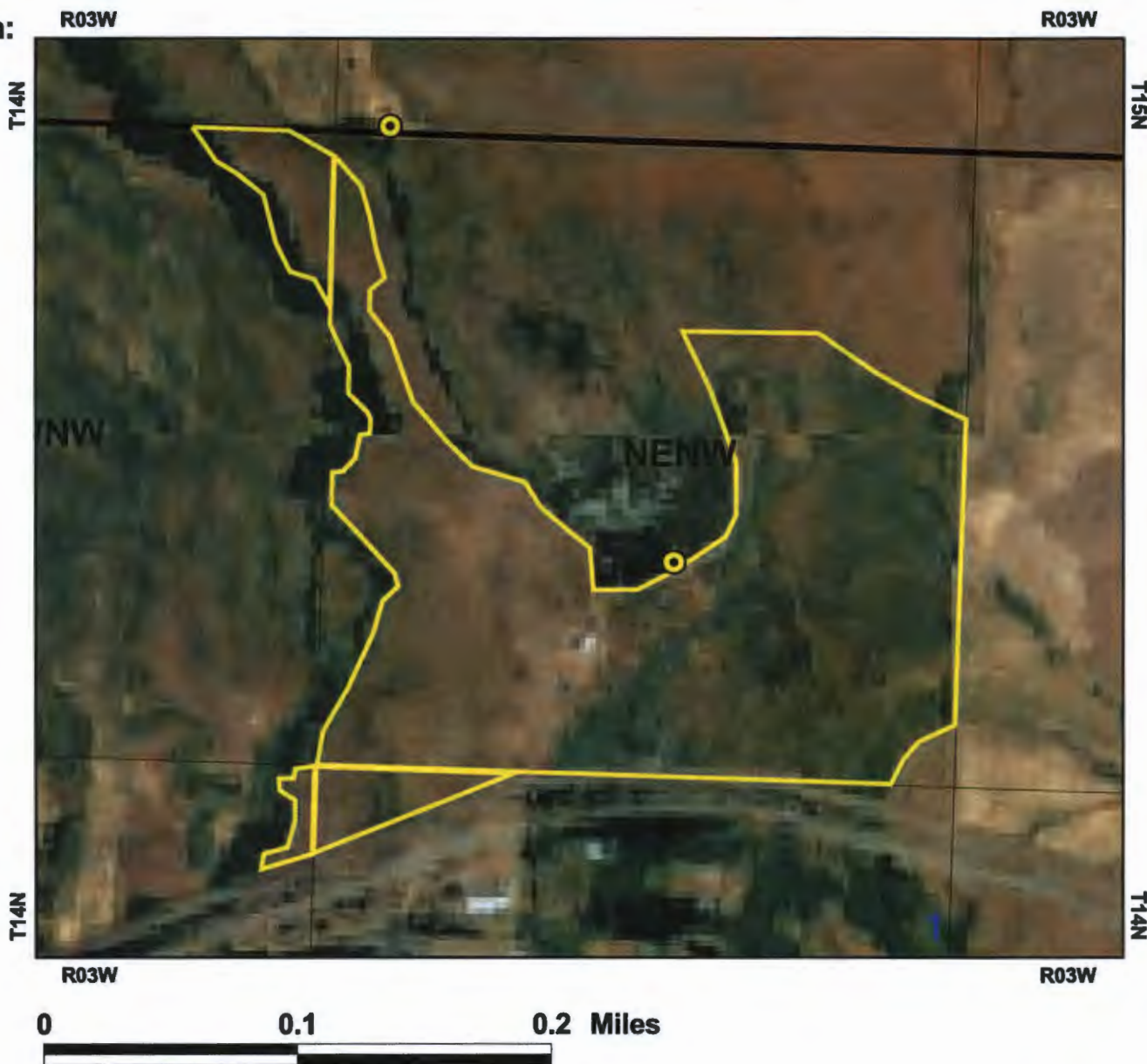
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by L. Graves
On Saturday, November 18, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-667 V1

WATER RIGHT NUMBER: 67-667 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELSIE BURENSCHOEN
	, ID
Current Owner	ROBERT J SEVY PO BOX 24 STANLEY, ID 83278 (208)774-2200
Original Owner	CLARA ALLISON
	, ZZ

Priority Date: 05/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 10/31	0.290 CFS	
<u>Total Diversion:</u>		0.290 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	L3 (SE1/4NE1/4NW1/4)	Sec. 1, Twp 14N, Rge 03W, B.M.
WASHINGTON County		
UNNAMED STREAM	SW1/4SE1/4SW1/4	Sec. 36, Twp 15N, Rge 03W, B.M.
WASHINGTON 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	
14N	03W	1					21.0	1.0	.2	.8									23.0
							L 3	L 4											

Total Acres: 23

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. B01 Source is also known as East Jensen Creek.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-667 V1

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Remarks:Comments:

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Comment: Irrigation is within Parcel Nos. RP14N03W012400 and RP14N03W013610.

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Comment: The S36 p/d was described in the decree. The S1 p/d is not described in the decree but can be considered an accomplished transfer since it diverts from an on-stream pond that appears in 1974 and 1987 aerial photos and on the topo map.

3. Igraves 11/18/2006 P/U

Comment: Recommended the 23 decreed acres throughout the original decree p/u description (copy of the decree submitted by the claimant in file). County tax records indicate claimant currently owns all the recommended acres.

4. Igraves 11/18/2006 Flow Rate

Comment: Decree describes 23 acres at 14.375 inches of water or 5/8ths inch/acre.

5. Igraves 11/18/2006 Source

Comment: Source is not labeled on the topo map and has been recommended as unnamed stream with condition B01per department standards.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-667

WATER RIGHT NUMBER: 67-667

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT J SEVY PO BOX 24 STANLEY, ID 83278 (208)774-2200
Original Owner	CLARA ALLISON
	, ZZ
Original Owner	ELSIE BURENSCHOEN
	, ID

Priority Date: 05/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST JENSEN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15 1931	0.290 CFS	
	<u>Total Diversion:</u>	0.290 CFS	

Location of Point(s) of Diversion

EAST JENSEN CREEK	L3 (SE1/4NE1/4NW1/4)	Sec. 1, Twp 14N, Rge 03W, B.M.
WASHINGTON County		
EAST JENSEN CREEK	SW1/4SE1/4SW1/4	Sec. 36, Twp 15N, Rge 03W, B.M.
WASHINGTON 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	
14N	03W	1					20.0	3.0											23.0
							L3	L4											
							21	1											

Total Acres: 23

Conditions of Approval:

1. DIV. RATE=.2875 CFS.
AC. IRR.=23.

Dates and Other Information:

Claim Received Date: 10/19/1989
Enlargement Use Priority Date:

add B01 - source locally
known as E. Jensen Cr
C03 - accomplished
P/D x-ber

Water Right Report 67-667

WATER RIGHT NUMBER: 67-667

Priority Date: 05/01/1897
Basis: Decreed
Status: Active

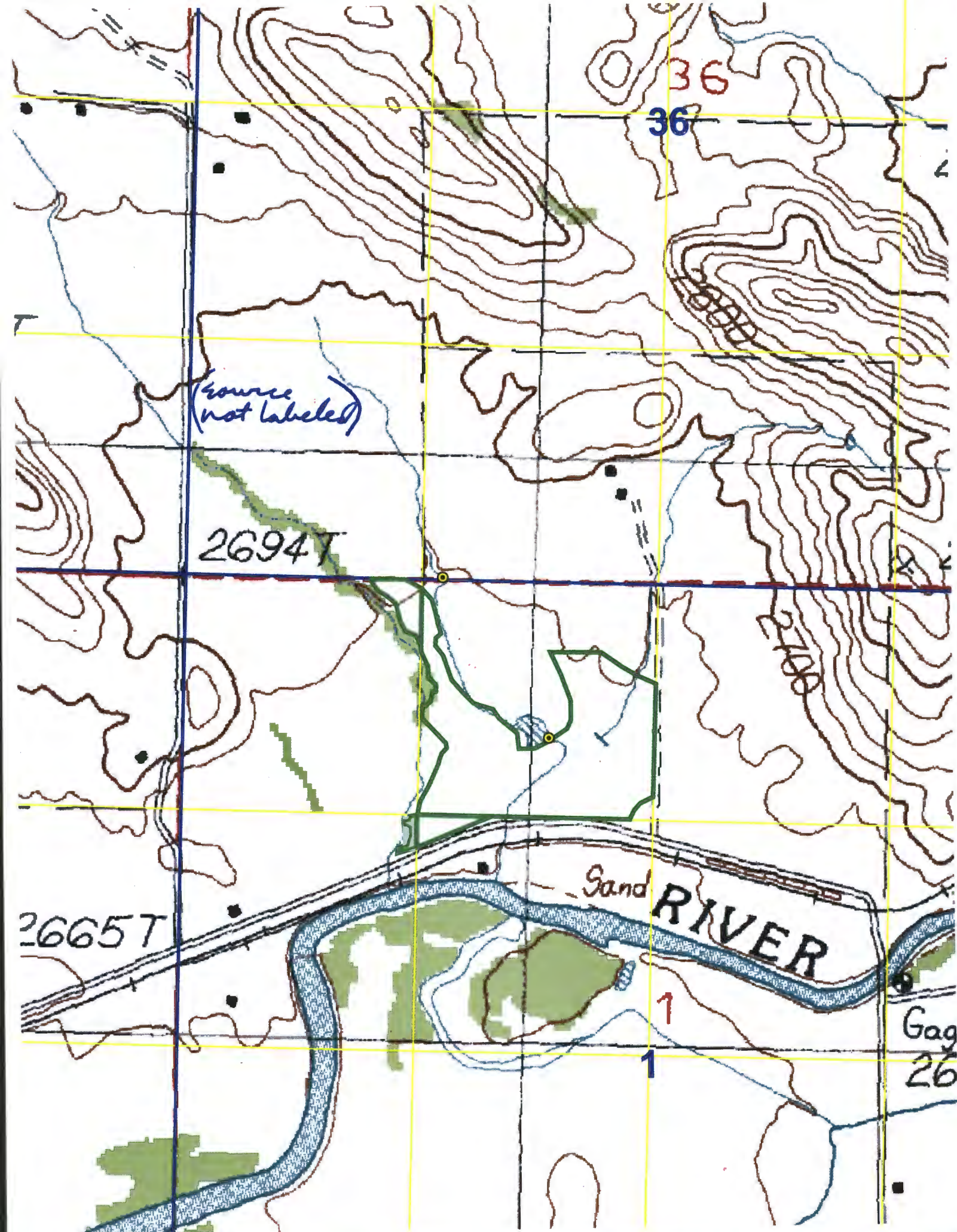
<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.290 CFS	
	Total Diversion:	0.290 CFS	

EAST JENSEN CREEK SW1/4SW1/4 Sec. 36, Twp 15N, Rge 03W, B.M.
WASHINGTON County

[illegible]

1. DIV. RATE=.2875 CFS.
AC. IRR.=23.

Licensed Date:
Decreed Date: 5/25/1954
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Elsie Butenschoen, et al
Decree Plaintiff: Thomas H Hubbard, et al
Civil Case Number: 4949
Judicial District: Seventh District
Swan Falls Trust or Nontrust:



RECEIVED

SEP 14 1954

Department of Water Resources

Recorded in Book K of Judgments
Page 315

Indexed

Compared

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON.

THOMAS H. HUBBARD and
SARAH ANN HUBBARD, husband
and wife,

Plaintiffs and
Cross-Defendants,

vs

ELSIE BUTENSCHOEN and
JOHN BUTENSCHOEN, husband
and wife, and CLARA
ALLISON, a widow,

Defendants and
Cross-Complainants.

The above entitled action having been heretofore and on
the 18th. and 19th. days of March, 1954, been duly tried and
heard by the Court. sitting without a jury, the plaintiffs and
cross-defendants appearing in proper person and by Carter and
Power, Esquires, their attorneys of record, and the defendants and
cross-complainants appearing in proper person and by Carl H.
Swanstrom, Esquire, their attorney of record; and the Court, after
hearing and considering the evidence introduced by the respective
parties upon the trial of this cause, and having considered the
memorandum briefs lodged by counsel, and having made and filed
in this actions its Findings of Fact and Conclusions of Law, and
having Ordered that Judgment and Decree be entered accordingly--

Now, Therefore, by reason of the premises aforesaid, and
the law, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

That East Jensen Creek, a tributary of the main Weiser
River, is a natural stream or water course, situated wholly within
Washington County, Idaho, and has its source or origin in the
North central part of the Northeast Quarter of the Southeast

JUL 24 1954

1
2 Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-five (35, Township Fifteen
3 (15) North, Range Three (3) West of Boise Meridian from which
4 point it flows generally southeasterly across the lands of
5 plaintiffs and cross-defendants and of the defendants and cross-
6 complainants, to the main Weiser River: that said stream has a
7 sustained flow of approximately 15 inches during the irrigation
8 season of each year: that the waters of said stream are capable
9 of being diverted therefrom and applied to beneficial use in the
10 irrigation of farm lands, adjacent to the course of said stream
11 and hereinafter described, and that the duty of the waters of
12 East Jensen Creek, when applied to beneficial use in the irrigation
13 of such farm lands, is Five-Eighths (5/8ths) inch per acre.

14 That the defendants and cross-complainants, Elise Buten-
15 schoen and Clara Allison, in their own right, are the owners of
16 the following described lands in Washington County, Idaho, to-wit:

17 Lots Three (3) and Four (4) (sometimes referred to as the
18 "N $\frac{1}{4}$ NW $\frac{1}{4}$ "), the Southwest Quarter of the Northwest Quarter
19 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and that part of the Northwest Quarter of the
20 Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) lying North of the main
21 Weiser River, all in Section One (1) in Township Fourteen
(14) North, Range Three (3) West, Boise Meridian,
22 Excepting therefrom, However, the rights of eay of County
23 Roads and of the Union Pacific Railroad Company
24 and of said lands, Twenty-three (23) acres thereof, situated
25 between Main Jensen Creek and East Jensen Creek, and easterly of
26 East Jensen Creek, and in the said Lots Three (3) and Four (4) and
27 in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said
28 Section, Township and Range, are fertile farm lands, arid in
29 character but susceptible of irrigation, and such lands require
30 the artificial application of water thereof for production of
31 profitable crops, and when irrigated by the artifial application
32 of water thereon, do produce valuable crops of hay, grain, pasture
and garden produce, and that each acre of such land requires, for
the proper irrigation thereof, the constant flow of Five-Eighths

JUL 24 1906

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2 (5/8ths) of an inch of water during the full and entire irriga-
3 tion season of each year:

4 That, beginning on May 1st. 1897, George W. Hoffstatter
5 and Mary Hoffstatter, the immediate predecessors of the defendants
6 and cross-complainants, Elsie Butenschoen and Clara Allison, in
7 ownership of the lands hereinbefore described, diverted from East
8 Jensen Creek, at a point immediately North of the North line of
9 Lots Three (3) of Section One (1), Township Fourteen (14) North,
10 Range Three (3) West, Boise Meridian, all of the water in said
11 stream and applied the same to beneficial use in the irrigation
12 Twenty-three (23) acres of land, before described, and each and
13 every year thereafter, except only for a portion of the year 1949,
14 and the irrigation season of 1953, the said George W. Hoffstatter
15 and Mary Hoffstatter, and the defendants and cross-complainants,
16 Elsie Butenschoen and Clara Allison, during the full and entire
17 irrigation season of each and every year, diverted all the water
18 flowing in East Jensen Creek at said point of diversion and
19 applied the same to beneficial use in the irrigation of said
20 Twenty-three (23) acres of land, hereinbefore described, and
21 thereby the right to divert and beneficially use for the purpose
22 of irrigation, on the lands before described, Fourteen and Three-
23 Eights (14 3/8ths) inches of the water of East Jensen Creek,
24 under Priority Date of May 1st. 1897 was acquired and became
25 appurtenant to said lands, and as between the plaintiffs and cross-
26 defendants and the defendants and cross-complainants, the said
27 Elsie Butenschoen and Clara Allison are now the owners and holders
28 of such right for the use of such amount of water from East Jensen
29 Creek and that such right is prior in time and superior in right
30 to any claim or right for the use of any of such water by the said
31 Thomas H. Hubbard and/or Sarah Ann Hubbard, plaintiffs and cross-
32 defendants herein.

RECORDED

JUL 24 1906

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It is further ORDERED, ADJUDGED AND DECREED that both on and long prior to May 1st. 1937, and at all times thereafter, all the normal, irrigation season, flow of waters in East Jensen Creek was fully appropriated for beneficial purposes under the said right and priority herein decreed to the said Elsie Butenschoen and Clara Allison, and that neither the said Thomas H. Hubbard and/or Sarah Ann Hubbard, or their predecessors in interest acquired any right to to the use of the waters of East Jensen Creek for irrigation of lands situated in the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) Section Thirtysix (36), Township Fifteen (15) North, Range Three (3) West, Boise Meridian, Except Only as to such portion of the normal, irrigation season, flow of water in said stream, measured at the dam and diversion works of the defendants and cross-complainants immediately North of the North line of said Lot Three (3) in Section One (1), Township Fourteen (14) North, Range Three (3) West, Boise Meridian, as may be in excess of Fourteen and Three-Eighths (14 $\frac{3}{8}$ ths.) inches, and as between the parties to this action, the right to the beneficial use of such Fourteen and Three-Eighths (14 $\frac{3}{8}$ ths) of the water of East Jensen Creek, under priority date of May 1st. 1897, is hereby quieted in the defendants and cross-complainants, Elsie Butenschoen and Clara Allison.

It is further ORDERED, ADJUDGED AND DECREED that the said plaintiffs and cross-defendants, Thomas H. Hubbard and Sarah Ann Hubbard, and their successors and assigns, be, and they are, hereby, directed and required, to permit the full and entire flow of water in East Jensen Creek, or Fourteen and Three-Eighths (14 $\frac{3}{8}$ ths.) inches thereof, whichever is the lesser amount, to flow down said Creek to the diversion point of defendants and cross-complainants, during the full and entire irrigation season

JUL 24 1936

1
2 of each and every year; and that the said plaintiffs and cross-
3 defendants, and their agents, servants and employees, and their
4 successors and assigns, be, and they are, hereby, perpetually
5 enjoined and restrained from in any manner using or interfering
6 with the flow of water in East Jensen Creek herein decreed to be
7 appurtenant to the lands of the said Elsie Butenschoen and Clara
8 Allison.

9
10 It is further ORDERED, ADJUDGED AND DECREED that the
11 defendants and cross-complainants, Elsie Butenschoen and Clara
12 Allison, and their successors and assigns, have perpetual
13 right to maintain their diversion dam and works, and their
14 irrigation ditch leading therefrom, as now situated in East Jensen
15 Creek, and upon lands of the plaintiffs and cross-defendants in
16 the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said
17 Section Thirty-six (36) in Township Fifteen (15) North, Range One
18 (1) West, Boise Meridian.

19 It is further ORDERED, ADJUDGED AND DECREED that the Water
20 Master of the Weiser River Water District No. 41 be, and he is,
21 hereby, authorized and directed to enforce the provisions of this
22 Decree by distribution of the waters of East Jensen Creek in
23 accordance with the rights and priorities herein decreed.

24 It is further ORDERED that the defendants and cross-complain-
25 ants have and recover from plaintiffs and cross-defendants their
26 costs and disbursements, herein taxed at \$90.20.

27
28 Dated this 25th day of May, 1954.

29
30
31 Gilbert C. Morris
District Judge

32 FIVE

JUL 24 1956

SEVY GUIDE SERVICE, INC.

BOB SEVY • P.O. BOX 1527
SUN VALLEY, IDAHO 83353

Phone (208) 788-3440



April 27, 1983

Mr. John Noyes
Department of Water Resources
Statehouse - Western Region
Boise, Idaho 83720

Dear Mr. Noyes:

I am writing you for assistance on water rights which may apply to land that I recently purchased in Washington County, Idaho. I am aware of the June 30, 1983 deadline for water rights application for Idaho water users.

The information needed applies to the "Butenscheon Property" located on Main Jensen and East Jensen Creek, a small tributary of the Weiser River. A legal description and map of the property is attached.

Water rights have historically been ascribed to this property. Please review the attached court case (Case 4949, Recorded in Book K of Judgements, Page 315, Seventh Judicial District, Washington County, Idaho) which described the water rights of this land from the years 1887 to 1954. I purchased the land from Charles and Barbara Sleeper, who may have corresponded with you.

Significant irrigation improvements have been made on this land since 1954. An irrigation holding pond is constructed, as well as a concrete diversion dam. This diverts water from Main Jensen to East Jensen Creek via an underground pipe. Previous land managers of this property have used the water for irrigation of crops (primarily alfalfa).

Please determine and advise me of previous water rights for this land that may already be on file with your office. Additionally, please advise me of actions necessary to comply with your June 30, 1983 deadline.

Your assistance and cooperation in this matter are sincerely appreciated.

Yours truly,

Bob Sevy

Bob Sevy

BS:rae

Enclosures

cc: Mr. Leon Swenson

RECEIVED

Department of Water Resources
Western Region

JUL 24 1986

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-66; V1

Comments:

Draft

Dates and Other Information:

Decreed Date:
 Enforcement Use Priority Date:
 Enforcement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	6/28/2004 9:19:22 AM	awarntje			
Source	6/28/2004 9:19:41 AM	awarntje			
POU	6/28/2004 9:36:37 AM	awarntje			
Use	6/28/2004 9:37:10 AM	awarntje			
Season	6/28/2004 9:37:33 AM	awarntje			
Quantity	6/28/2004 9:38:22 AM	awarntje			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	6/28/2004 9:37:10 AM	awarnjtje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Quantity	6/28/2004 9:38:23 AM	awarnjtje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?

DO NOT SCAN

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: A67-00667
Date Received: 10/19/1989
Receipt No: CO12394
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT J. SEVY 208-774-2200
Address: BOX 24
STANLEY, ID 83278

2. Date of Priority: MAY 01, 1897

3. Source: EAST JENSEN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	03W	1	SE	NE	NW	3	WASHINGTON
15N	03W	36	SW	SE	SW		WASHINGTON

5. Description of diverting works:
#1 - HEADGATE, #2 - SMALL EARTH DAM, HOLDING POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.290		

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

8. Total consumptive use is 69.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	03W	1	NE	NW	3	IRR	20.0
			NW	NW	4	IRR	3.0

Section Acres 23.0

A67-00667

Page 1

Date: 10/19/89

SCANNED
APR 07 2004
MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 23.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
DIV. RATE=.2875 CFS.
AC. IRR.=23.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

THOMAS & SARAH HUBBARD
Decree Plaintiff

vs

ELSIE & JOHN BUTENSCHOEN.
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: 1

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): Rosen / Song Date: 10/19/89

Date: _____

State of Idaho)
County of ADA) SS.

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

Jeff Peppersack
Notary Public

Seal



Residing at _____
My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

T15N
T14N

