

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 37-21191
Date Received: 1/16/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone:
DEPARTMENT OF LANDS
700 W JEFFERSON RM 210
PO BOX 44449
BOISE ID 83711-4449

2. Date of Priority: 07/03/1890

3. Source: SPRING Trib. to: UNNAMED STREAM

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	11E	16	NW SE NW	ELMORE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02S	11E	16	SE NW	STOCKWATER	

37-21191 01/16/2004

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Received at Southern 01-14-2004. \$25 paid and receipted under S026400.

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

37

39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Identification No. 37-21191

Date Received

Receipt Number 5026400425

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily use is less than 13,000 gallons per day.**

RECEIVED

JAN 14 2004

Department of Water Resources
Southern Region

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) State of Idaho, Department of Lands Phone (208) 334-2400

Mailing Address 700 W. Jefferson, Room 210, P.O. Box 44449, Boise, Idaho Zip 83711-4449

2. Date of Priority (Only one per claim) July 3, 1890 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) Spring
Name or kind of source

which is tributary to (b) Unnamed stream

4. Location of point of diversion is: Township 2 South Range 11 East

Section 16, NW 1/4 of SE 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of Elmore

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. A dam immediately downstream of a good flowing spring creates a reservoir. See attached photograph designated as Waypoint 21 and taken on 06/23/2003.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
Month/Day Month/Day (cfs)

For Stock Water purposes from January 1 to December 31 amount 0.02
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimis

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) The lands described in this claim are leased under State Land Lease, Lease No. 7601 (Grazing). This lease authorizes a total of 730 animal unit months on 5,913.8 acres of State endowment land.

10. Place of use is: Township: 2 South Range 11 East

Section 16, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Govt. Lot , B.M.,

County of Elmore for (Circle One)

Domestic

Stock

Domestic and Stock

Additional places of use, if any: Not applicable

11. In which county (ies) are lands listed above as place of use located? Elmore

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks:

15. Basis of Claim (Circle One)

Beneficial use

Posted Notice

License

Permit

Decree

Court _____ Decree Date _____ Plaintiff vs Defendant

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a) By signing below, I/We acknowledge that I/We have received, read and understood the form entitle "How you will receive notice in the Snake River Basin Adjudication". (b) I/We 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

For Organizations:

I do solemnly swear or affirm that I am Range Program Manager

Title

of the Idaho Department of Lands, that I have signed the foregoing document in the space below as Range
Program Manager of the Idaho Department of Lands and that the statements contained in the foregoing
document is true and correct.

Signature of Authorized Agent Tracy Bekrens Date 1/6/2004

Title and Organization Range Program Manger, Idaho Department of Lands

State of Idaho)
) ss.

County of Ada

Subscribed and sworn (or affirmed) before me this 6th day of January 2004

Notary Public W. H. H. H.

Residing at Edwell

My Commission Expires 9-22-06

Last Name _____ Ident No. _____



PHOTO RECORD

*South Central Office
Gooding, Idaho*

Lease Number: G-7601

Location: 2S 11E Sec. 16 NWSENW
Waypoint 21

Date: 6/23/2003

Taken By: Brian Sewell



Good Stock Pond and Spring just above

01/30/2006

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

RIGHT NUMBER: 37-21191

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
700 W JEFFERSON RM 210
PO BOX 44449
BOISE ID 83711-4449

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/03/1890

POINT OF DIVERSION:

T02S R11E S16 NWSENW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within ELMORE County

T02S R11E S16 SENW

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

1/22/04

Attn: David Barber, Deputy A.G.
State of Idaho Dept of Lands
700 W JEFFERSON RM 210
PO BOX 44449
BOISE ID 83711-4449

RE: Adjudication claim filings

Dear Mr. Barber,

This office has completed numbering and data entry for the 32 claims received Jan. 14, 2004. Twenty-seven claims are in IDWR water basin 37, numbered sequentially 37-21191 to 37-21217; and five claims in basin 61, numbered sequentially 61-12049 to 61-12053.

The basin 37 claims will be reviewed and reported with other unreported claims in the Camas Creek drainage scheduled for late 2005. Conformed and numbered copies of the claims are enclosed.

Original and conformed copies of the basin 61 claims are being returned to you for alternative processing. New claim filings in basin 61 are required to be motioned to the SRBA court for acceptance into the proceedings pursuant Administrative Order 1 of the court. Please complete Standard Form 4 of the court and submit them to the court at your convenience. If you should need assistance with this I suggest contacting your colleagues assigned to IDWR. If you have technical questions with regard to the claims and reviews in basin 61 please contact the IDWR's Western Regional Office there in Boise.

I call your attention to claim 61-12049. This claim appears to have an incorrect legal description for the diversion and place of use. I have attached a map showing the location of the claimed waypoint #31 superimposed on a USGS Digital Orthoquadrangle photograph with section and 40-acre tract lines. I believe the legal descriptions should read in the NWNWNE of the section, not the NENENW as presented written. You may choose to edit the information on the present form, or start fresh and use the assigned number for the Identification Number.

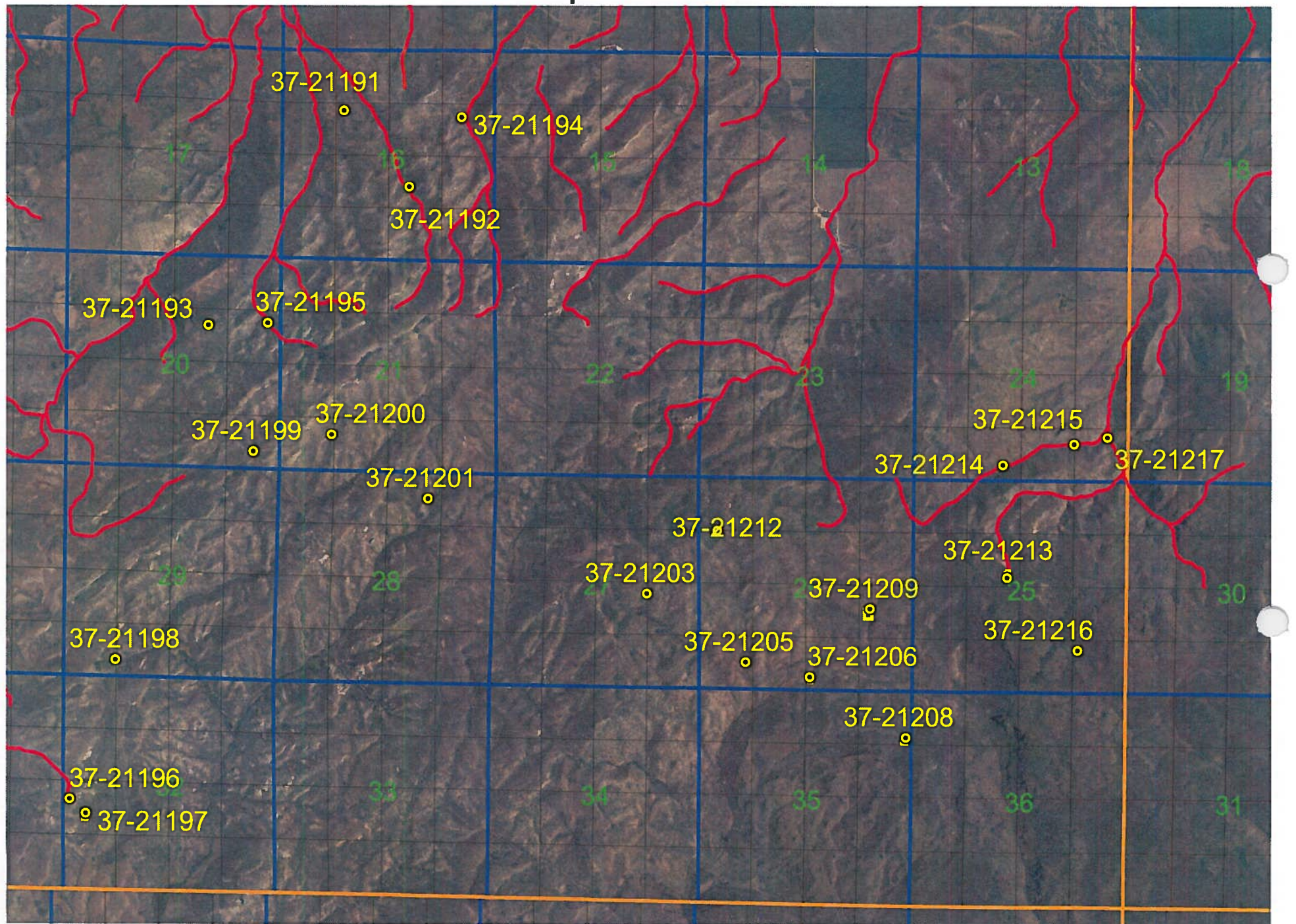
In general, please consider that developed systems, such as reservoirs, would have a priority of the date of construction. If that date is after 5/20/1971, mandatory permit for surface water statute enacted, then an Application for Permit is the appropriate means to obtain a water right. Evidence of priority of development is hereby requested for these systems. Non-diverted stock water claims are often claimed and recommended as of the date the land title accrued to the claiming entity.

If you have further questions please get in touch – phone, letter or email.

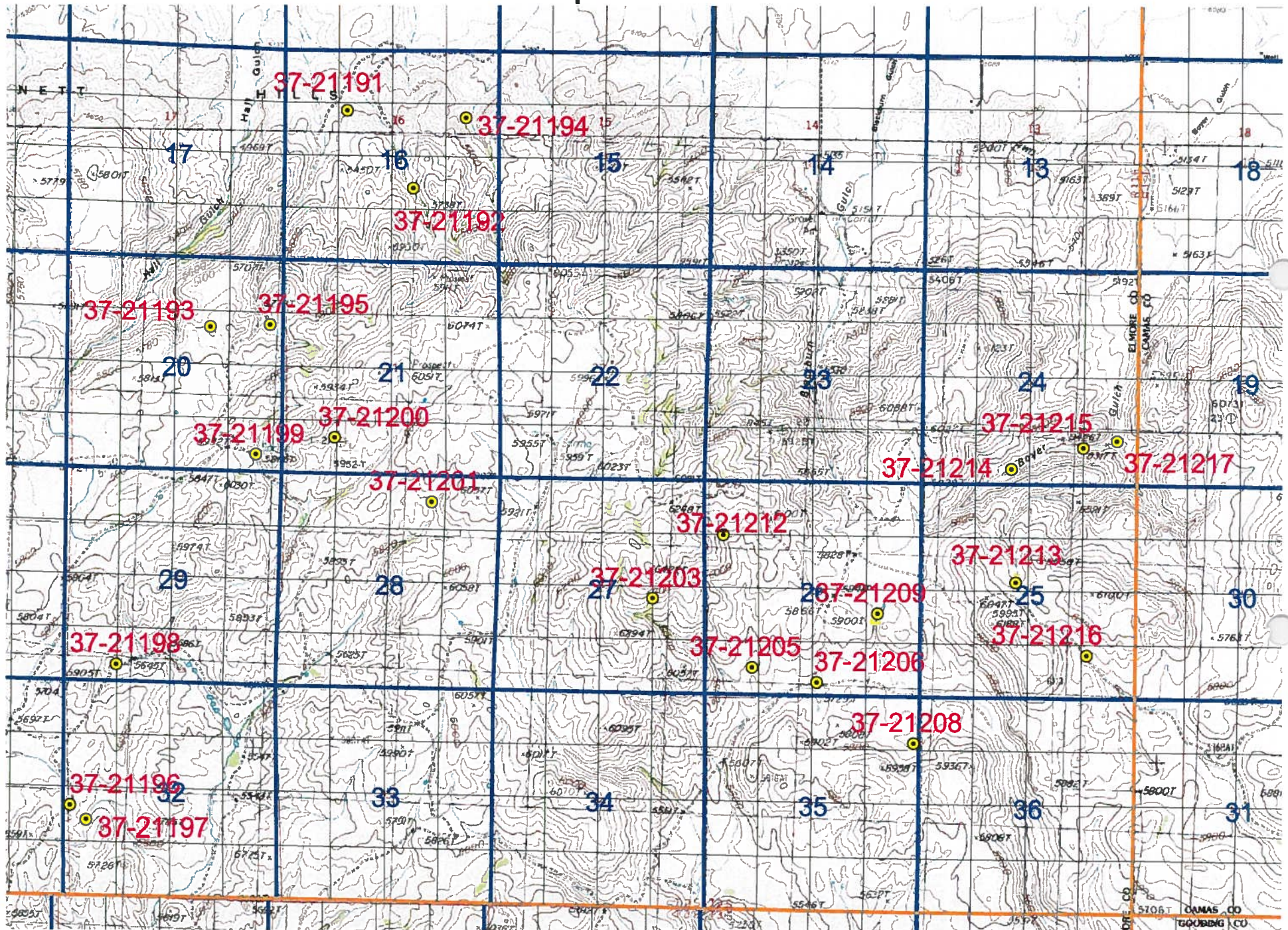
Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Dept of Lands



Dept of Lands



MEMORANDUM

TO: Western Region Adjudication
FROM: Douglas Jones
DATE: 1/22/04
RE: Id Dept Lands claims 61-12049 to -12053

Attached are copies of the original claims and data entries for the claims sent to me by Dave Barber, DepAG. These have been data entered and the status set to TEMPORARY, spatial work has also been done.

I have noted on relevant claims where the legal descriptions vary from the spatial data. You may need to work with IDL to deal with the "close calls". Claim 61-12049 has a more significant difference in legals. A map was made and is attached to show the problem. Barber has been informed of the discrepancy and they may edit the legal for diversion and place of use.

The originals for the B61 claims were returned to Barber for filing with the court as Late Claims (SF4). I have attached my letter to Barber explaining the various things.

Fees have already been paid for the B61 claims. If things go poorly, and the court doesn't accept the claims, we can process a refund. Receipt number and explanations are in the database.

As noted in my letter I have some questions regarding priority date for the reservoirs relative to the claimed priority. These guys may need to file Apps for Permit. Have at them as you will.

Perhaps Western and Southern could recommend the 0.02 cfs claims for reservoirs as "stock water from storage" with a volume, if they give us data. That way they don't have to amend the claims.



954 W. Jefferson St., PO Box 83720
Boise, Idaho 83720-0050
Phone (208) 334-0200 Fax (208) 334-2339

WINSTON WIGGINS - DIRECTOR

**BOARD OF LAND
COMMISSIONERS**

DIRK KEMPTHORNE
Governor

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State Controller

MARILYN HOWARD
Sup't of Public
Instruction

January 12, 2004

Idaho Department of Water Resources
ATTN: Allen D. Merritt
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

Re: 'Notice Of Claim Of A Water Right' --
Submitted by the Idaho Department of Lands

Dear Mr. Merritt

We have enclosed thirty-two (32) 'Notice of Claim To A Water Right' forms in duplicate, along with a warrant for the \$800 filing fees (32 x \$25 = \$800). We request that you assign an identification number to each claim, and return the copies marked 'COPY' to us at: Idaho Department of Lands, Statehouse Mail, PO Box 83720, Boise, ID 83720-0050. We have enclosed a pre-addressed envelope for your convenience.

If you have any questions, please call or email me.

Sincerely,

Ula Chadd
Administrative Assistant
Bureau of Surface and Mineral Resources
Email: uchadd@idl.state.id.us
Phone: (208) 334-0250

Enclosure(s)
cc: Area Office

RECEIVED

JAN 14 2004

Department of Water Resources
Southern Region

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