

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 37-21209  
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: 12/15/1919

3. Source: UNNAMED STREAM Trib. to: WEST DEMPSEY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02S      | 11E   | 26      | NW NE SE              | 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   | 26      | NE SE          | STOCKWATER |       |

37-21209 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

CIVIL CASE NUMBER:

39576

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

Identification No. \_\_\_\_\_

Date Received \_\_\_\_\_

Receipt Number 5026400 \$25

**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) December 15, 1919 Month/Day/Year

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

which is tributary to (b) West Fork of Dempsey Creek

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

Section 26, NW 1/4 of NE 1/4 of SE 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. An earthen dam collects water in the reservoir designated as Waypoint 14. See attached photograph designated as Waypoint 14 and taken on 06/19/2003.

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

For StockWater 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 26, NE 1/4 of SE 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 X 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)  
Decree

Beneficial use

Posted Notice

License

Permit

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 Beltrons Date 1/6/2004

Title and Organization Range Program Manger, Idaho Department of Lands

State of Idaho   )

County of Ada   )

Subscribed and sworn (or affirmed) before me this 26th day of January 2004

Notary Public   

Residing at Caldwell

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. 26 NWNESE  
Waypoint 14

**Date:** 6/19/2003

**Taken By:** Brian Sewell



Excellent reservoir collects water from an unnamed stream.

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

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

TRIBUTARY: WEST DEMPSEY CREEK

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

POINT OF DIVERSION:

T02S R11E S26 NWNESE Within ELMORE County

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

T02S R11E S26 NESE

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



**IDAHO DEPARTMENT OF LANDS**

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 KEMPTHOR**  
Governor

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Secretary of State

**LAWRENCE G. WASI**  
Attorney General

**KEITH L. JOHNSON**  
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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KEEP IDAHO GREEN  
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER