

11/22/2006

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

RIGHT NUMBER: 22-690
NAME AND ADDRESS: BARRY SILVERSTEIN
406 N 500 W
TETONIA ID 83452
SOURCE: SORENSEN CREEK TRIBUTARY: SINKS
QUANTITY: 0.800 CFS
58.600 AFY
PRIORITY DATE: 09/27/1901
POINT OF DIVERSION:

T04N R46E S17 SWSWSW Within TETON County
T04N R46E S17 SWSWSW Within TETON County
T04N R46E S17 SESWSW Within TETON County
T04N R46E S18 SESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.120 CFS
IRRIGATION	04/15 10/15	0.630 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION in TETON County
T04N R46E S17 SWSW 1.00 T04N R46E S18 SESE 30.50
STOCKWATER in TETON County
T04N R46E S17 SWSW
DOMESTIC in TETON County
T04N R46E S17 SWSW

31.5 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
Source is also known as Crandall Springs.



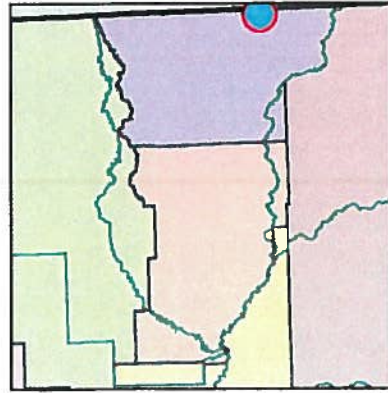
Idaho Department of Water Resources

SRBA Recommendation:

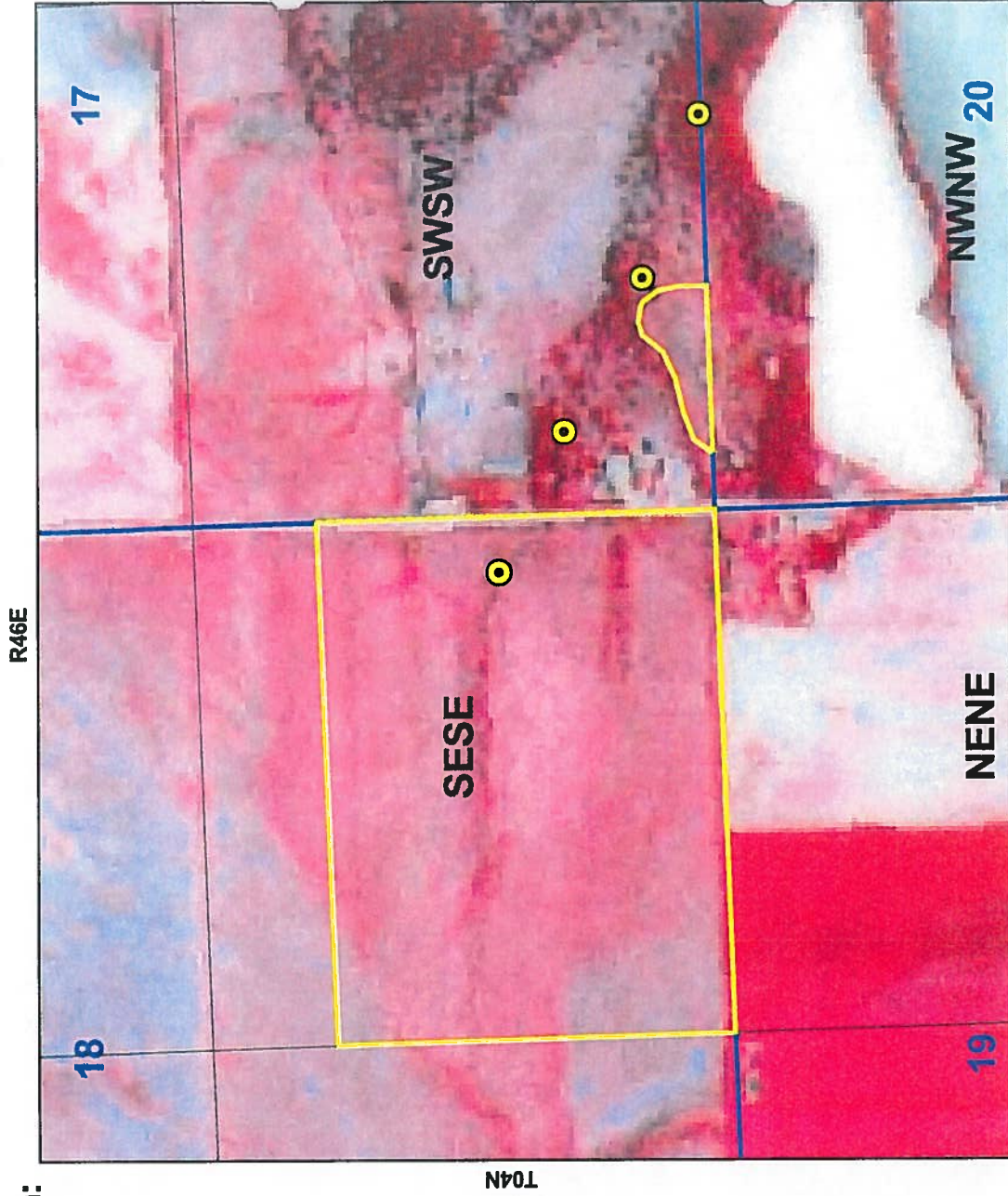
22-690
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by K. Moore
On Wednesday, November 22, 2006
1987/88 Aerial Photography

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of COUNSEL
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December 4, 2006

Mr. Michael Holliday
Senior Water Agent
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Barry Silverstein – Water Rights
22-691, 22-690

Dear Mr. Holliday:

You will see that I am returning two Notices of Error for water rights belonging to Barry Silverstein.

No one in this office represents Barry Silverstein at this time and to my knowledge he was last represented in this area by Charles Homer of the Holden office.

Should you have questions, please let me hear from you.

Very truly yours,

C. Timothy Hopkins, Esq.

C. Timothy Hopkins

CTH:cs
enclosure

*Reviewed
atty. Kato
12/11*



Idaho Department of Water Resources

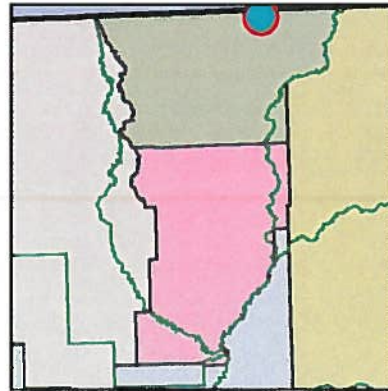
SRBA Recommendation:

22-691

(Irrigation)

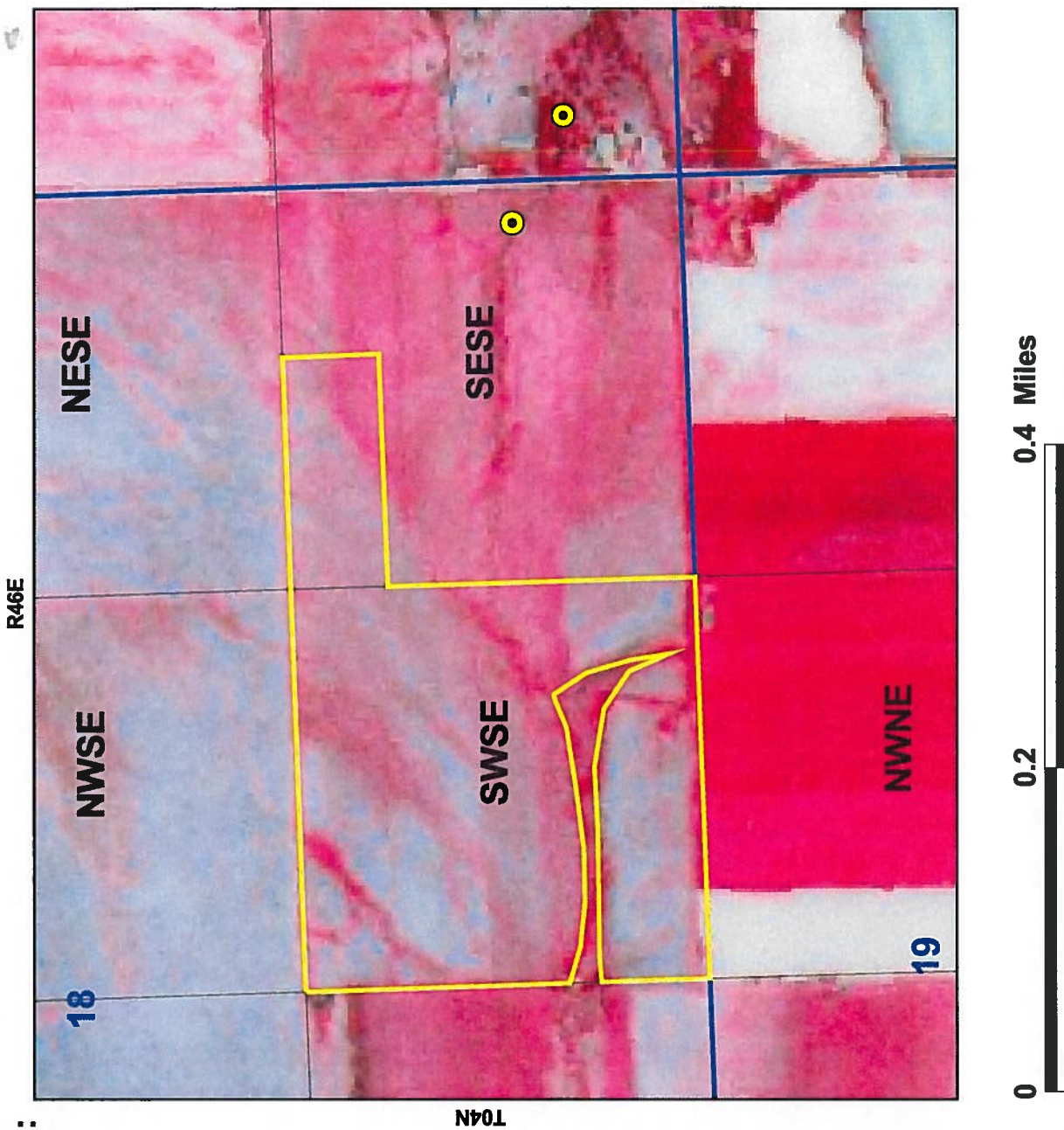
Legend

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



Teton County
IDWR Basin 22

Prepared by J. Crabtree
On Thursday, November 30, 2006
1987/88 Aerial Photography



STRICT OFFICE
KYLIN DR.
IDAHO 83402

93 SERVICE
QUESTED

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

BARRY SILVERSTEIN
406 N 500 W
TETONIA ID 83452

1201 U.S. POSTAGE PB3523907
8922 \$01.110 NOV 28 2006
6145 MAILED FROM ZIP CODE 83402

22-186 - Tetm
22-530 - "
22-531 - "
22-690 } - Silverstein
22-691 }
22-2284 - Rippling
22-4006 - Silverstein

Cfo done - 12/15/06

- b. date of priority: December 17, 1910
- c. rate of diversion: 0.23 cfs
- d. nature of use: Irrigation
- e. point of diversion: NE 1/4 NW 1/4 Sec. 20,
T. 4 N., R. 46 E., B.M.
- f. place of use: NE 1/4 NE 1/4 Sec. 19,
T. 4 N., R. 46 E., B.M.
(11.5 acres)
- g. period of use: April 15 to October 15
- h. maximum annual volume of consumptive use:
21.4 af
- i. basis of right: Beneficial Use.

IT IS HEREBY ADJUDGED that plaintiff Silverstein's right to the use of the water of Sorensen Creek/Crandall Springs shall be as follows:

22-0690 3. Plaintiff Silverstein's first right to the use of water is as follows:

- a. source of water: Sorensen Creek, Crandall Springs
- b. date of priority: September 27, 1901
- c. rate of diversion: 0.12 cfs (domestic)
0.05 cfs (stockwater)
0.63 cfs (irrigation)
0.80 cfs total
- d. nature of use: Domestic, Stockwater, Irrigation
- e. points of diversion:
SW 1/4 SW 1/4 Sec. 17 (3 - uppermost domestic, middle stockwater, lowermost irrigation.) [2 uppermost points of diversion are upstream from Defendant

3. JUDGMENT

MAY 15 1986

Foster's point of diversion in
Section 17.]
SE 1/4 SE 1/4 Sec. 18 (irrigation)
All in T. 4 N., R. 46 E., B.M.

f. place of use:

SW 1/4 SW 1/4 Sec. 17 (domestic and
stockwater and 1 acre irrigation)
SE 1/4 SE 1/4 Sec. 18 (30.5 acres
irrigation)
All in T. 4 N., R. 46 E., B.M.

g. period of use:

April 15 to October 15 (irrigation)
January 1 to December 31 (domestic and
stockwater)

h. maximum annual volume of consumptive use:
58.6 af

i. basis of right: Posted Notice.

22-0691 4. Plaintiff Silverstein's second right to the use
of water is as follows:

a. source of water: Sorensen Creek, Crandall
Springs

b. date of priority: August 13, 1906

c. rate of diversion: 0.87 cfs

d. nature of use: Irrigation

e. points of diversion: SW 1/4 SW 1/4 Sec. 17
SE 1/4 SE 1/4 Sec. 18
All in T. 4 N., R. 46
E., B.M.

f. place of use: SE 1/4 SE 1/4 (5.5 acres)
SW 1/4 SE 1/4 (38 acres)
Sec. 18, T. 4 N., R. 46
E., B.M.

g. period of use: April 15 to October 15

h. maximum annual volume of consumptive use:
80.9 af

i. basis of right; Beneficial Use

IT IS FURTHER ADJUDGED that:

1. As to Plaintiff Silverstein's first water right, 0.08 cfs of the domestic portion is for use in two residences, formerly owned by Plaintiff Silverstein's predecessor in interest, which are now owned by persons not part to this action.

2. The rights set forth herein shall supersede Claim No. 22-4033 and Claim No. 22-4045.

3. The use of water rights set forth herein in conjunction with any other water rights the claimants may have shall not exceed a diversion rate of .02 cfs per acre of land irrigated nor a consumptive use of 1.86 af per acre of land irrigated.

4. Plaintiff Silverstein and Defendant Foster are required to install measuring devices acceptable to the Idaho Department of Water Resources in accordance with Idaho Code § 42-701 (1977). With respect to his two upstream points of diversion, Plaintiff Silverstein shall be required to install a lockable headgate or other flow control device acceptable to IDWR in accordance with § 42-701. Defendant Foster is required to install a lockable headgate or other flow control device acceptable to IDWR at his point of diversion in

5. JUDGMENT

UNRECORDED

MAY 15 1996

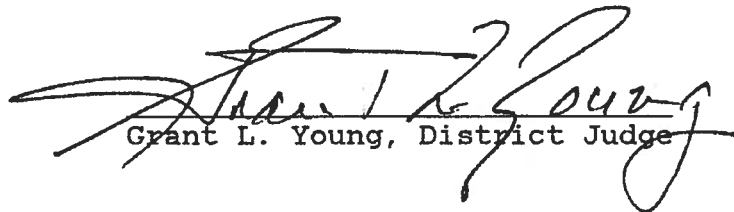
Section 17, and shall be required to maintain the headgate at his point of diversion in Section 20 in accordance with § 42-701.

5. The preliminary injunction obtained by the Plaintiff Silverstein against Defendant Foster is dissolved.

6. Defendant Foster is awarded costs.

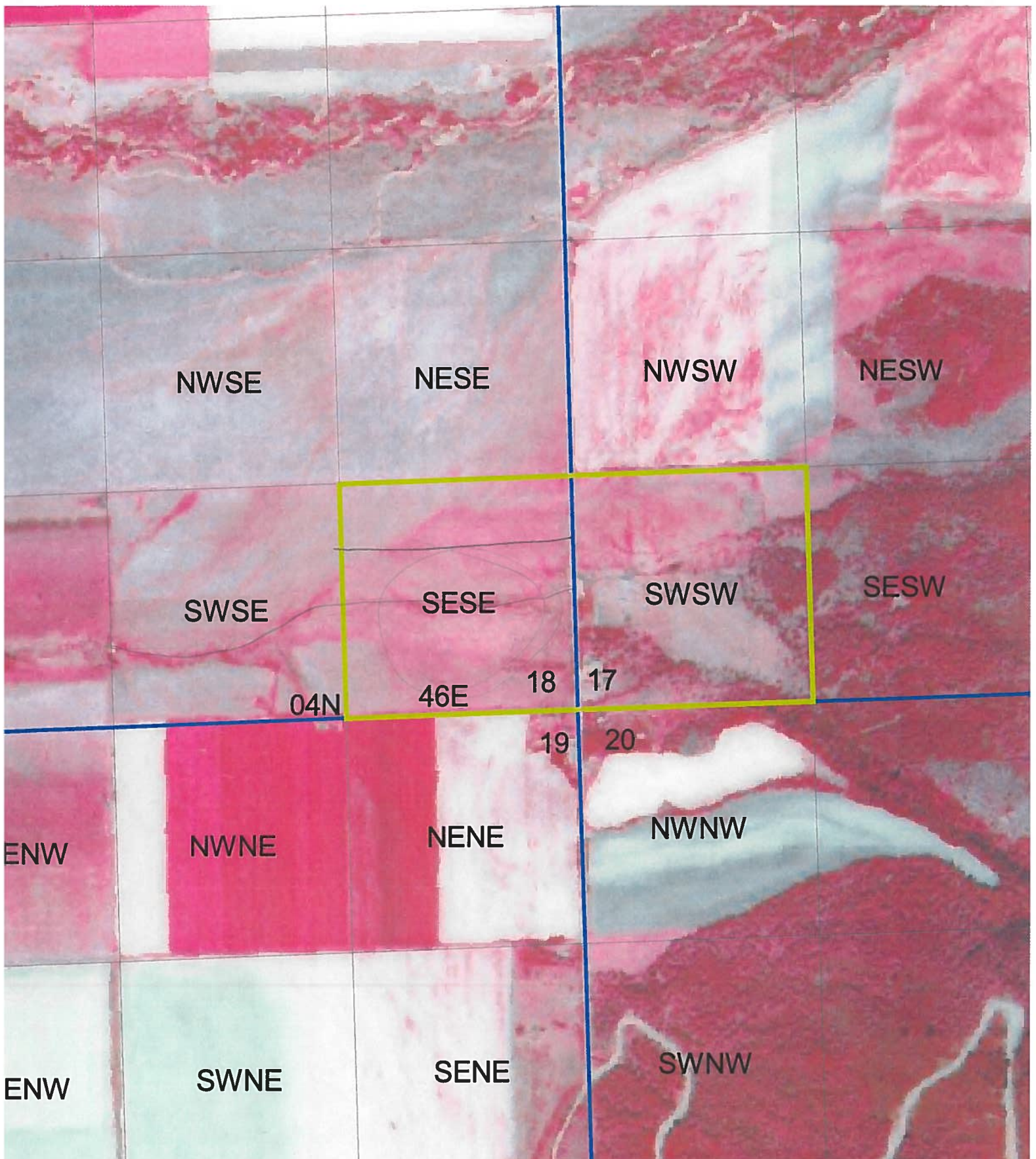
7. There is no award of attorney fees to any party.

DATED this 5th day of ~~April~~ ^{June}, 1988.


Grant L. Young, District Judge

MICROFILMED
MAY 15 1986

22-690



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: **A22-00690**
Date Received: 5/ 8/1996
Receipt No: C008043
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BARRY SILVERSTEIN
Address: PALEFACE
JAY NY 12941 616-720-0622

2. Date of Priority: SEP 27, 1901

3. Source: SORENSEN CREEK Trib. to:
CRANDALL SPRINGS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	17		SW	SW		TETON
		18		SE	SE		TETON

5. Description of diverting works:
4 DIVERSIONS SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.630		
STOCKWATER	01/01	12/31	0.050		
DOMESTIC	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 58.60 A.F.A.

8. Total consumptive use is 58.6 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC: 3 HOMES; STOCK: 30 HORSES, 150 CATTLE

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NOV 06 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	46E	17	SW	SW		IRR	1.0
			SW	SW		STOCK	
			SW	SW		DOMEST	
						Section Acres	1.0
		18	SE	SE		IRR	30.5
						Section Acres	30.5
						Total Acres	31.5

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
22-00691

14. Remarks:

THE USE OF WATER RIGHTS SET FORTH HEREIN IN CONJUNCTION WITH ANY OTHER WATER RIGHTS THE CLAIMANTS MAY HAVE SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS/AC. OF LAND IRRIGATED NOR A CONSUMPTIVE USE OF 1.86 AF/AC. OF LAND IRRIGATED. PLAINTIFF SILVERSTEIN IS REQUIRED TO INSTALL MEASURING DEVICES ACCEPTABLE TO THE DEPT. IN ACCORDANCE WITH SEC. 42-701, I.C. WITH RESPECT TO HIS 2 UPSTREAM POINTS OF DIVERSION, PLAINTIFF SILVERSTEIN SHALL BE REQUIRED TO INSTALL A LOCKABLE HEADGATE OR OTHER FLOW CONTROL DEVICE ACCEPTABLE TO IDWR IN ACCORDANCE WITH SEC. 42-701, I.C.

#5 CONT: DIVERSION 1 IN THE SW1/4SW1/4, SEC. 17 IS USED FOR DOMESTIC PURPOSES. A PIPE CONVEYS WATER TO A HOLDING TANK, AND WATER IS DELIVERED FROM THE HOLDING TANK TO 3 HOMES. OVERFLOW FROM THE TANK IS PIPED BACK TO THE CREEK. DIVERSION 2 IS LOCATED IN THE SW1/4SW1/4, SEC. 17, DOWNSTREAM FROM DIVERSION 1. WATER IS DIVERTED BY A 2" PIPE AND IS DISTRIBUTED TO A SERIES OF TROUGHS FOR WATERING OF 30 HORSES AND APPROXIMATELY 150 RANGE CATTLE. DIVERSION 3 IS LOCATED IN THE SW1/4SW1/4, SEC. 17. THIS DIVERSION IS USED TO IRRIGATE APPROXIMATELY 10 ACRES IN THE SOUTHEAST CORNER OF THE SE1/4SE1/4, SEC. 18. DIVERSION 4 IS LOCATED IN THE SE1/4SE1/4, SEC. 18, DOWNSTREAM FROM DIVERSION 3. IT IS CAPABLE OF IRRIGATING MOST OF THE S1/2SE1/4, SEC. 18. THE WATER RIGHTS CLAIMED ARE ESSENTIALLY AS SET OUT IN THE DIRECTOR'S REPORT FILED IN SILVERSTEIN V. FOSTER, CASE NO. 1885, CURRENTLY PENDING IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON.

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NOV 18 1996

14. Remarks: Continued
ISSUES INVOLVING THESE WATER RIGHTS ARE CURRENTLY THE SUBJECT
OF LITIGATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BARRY SILVERSTEIN
Decree Plaintiff

RONALD D. CARLSON, ET AL.
vs 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: _____

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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 06 1996

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

*Renumbered A22-00690*Ident. Number: A22-~~12778~~

Date Received: 8/28/1989

Receipt No: C008043

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARRY SILVERSTEIN
Address: PALEFACE
JAY, NY

616-720-0622

12941

2. Date of Priority: SEP 27, 1901

3. Source: SORENSEN CREEK
CRANDALL SPRINGS

Trib. to: SINKS
SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	Count
04N	46E	17	SW	SW			TETON
		18	SE	SE			TETON

5. Description of diverting works:

4 DIVERSIONS SEE REMARKS FOR COMPLETE DESCRIPTION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.630		
STOCKWATER	01/01	12/31	0.050		
DOMESTIC	01/01	12/31	0.120		

7. Total Quantity Appropriated is:

0.800 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

58.6 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC: 3 HOMES; STOCK: 30 HORSES, 150 CATTLE

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NOV 06 1990

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NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	46E	17	SW		SW		DOMEST	
			SW		SW		STOCK	
			SW		SW		IRR	1.0
			Section Acres					1.0
		18	SE		SE		IRR	30.5
			Section Acres					30.5
			Total Acres					31.5

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-12779

14. Remarks:

#5 CONT: DIVERSION 1 IN THE SW1/4SW1/4, SEC. 17 IS USED FOR DOMESTIC PURPOSES. A PIPE CONVEYS WATER TO A HOLDING TANK, AND WATER IS DELIVERED FROM THE HOLDING TANK TO 3 HOMES. OVERFLOW FROM THE TANK IS PIPED BACK TO THE CREEK. DIVERSION 2 IS LOCATED IN THE SW1/4SW1/4, SEC. 17, DOWNSTREAM FROM DIVERSION 1. WATER IS DIVERTED BY A 2" PIPE AND IS DISTRIBUTED TO A SERIES OF TROUGHS FOR WATERING OF 30 HORSES AND APPROXIMATELY 150 RANGE CATTLE. DIVERSION 3 IS LOCATED IN THE SW1/4SW1/4, SEC. 17. THIS DIVERSION IS USED TO IRRIGATE APPROXIMATELY 10 ACRES IN THE SOUTHEAST CORNER OF THE SE1/4SE1/4, SEC. 18. DIVERSION 4 IS LOCATED IN THE SE1/4SE1/4, SEC. 18, DOWNSTREAM FROM DIVERSION 3. IT IS CAPABLE OF IRRIGATING MOST OF THE S1/2SE1/4, SEC. 18. THE WATER RIGHTS CLAIMED ARE ESSENTIALLY AS SET OUT IN THE DIRECTOR'S REPORT FILED IN SILVERSTEIN V. FOSTER, CASE NO. 1885, CURRENTLY PENDING IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON. ISSUES INVOLVING THESE WATER RIGHTS ARE CURRENTLY THE SUBJECT OF LITIGATION.

15. Basis of Claim: POSTED NOTICE

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NOV 06 1996

A22-12778

Page 2

Date: 09/22/89

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NOV 07 1992

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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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NOV 06 1989

~~MICROFILMED~~
~~NOV 07 1992~~

4/5/1989

FEDERAL WATER RESOURCES ACT CLAIMS RECEIVING CHECKLIST

2010495

CLAIMANT'S NAME SilversteinCLAIM IDENT. NO. A22DATE RECEIVED 8-28

CK # _____

AMOUNT \$ OK

YES

NO

Required Info?

1. Is the name and address complete with zip code? ✓ ✓ *
2. Is a priority date entered? use 9-27-1901 ✓ ✓ *
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ✓ ✓ *
3. (a) Is a source entered? ok ✓ ✓ *
(b) Is a tributary to entered? (if required) N/A ✓ ✓ *
4. Is the legal description of the p.d. sufficient? ✓ ✓ *
5. Is there a description of the diverting works? ✓ ✓ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓ ✓ *
Is the period of use included? ✓ ✓ *
Is a quantity claimed for each use? ✓ ✓ *
7. Is a total quantity claimed entered? ✓ ✓ *
8. If required is a consumptive use entered? N/A ✓ ✓ *
Is the consumptive use correct? N/A ✓ ✓ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ok ✓ ✓ *
3 homes
see #5
30 hrs
150 cfs
10. Is (are) the place(s) of use and purpose(s) indicated? ✓ ✓ *
11. Is (are) the county(ies) entered? ✓ ✓ *
12. Is the ownership of p.u. checked? ✓ ✓ *
13. Are other water rights listed or "none" indicated? ✓ ✓ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓ ✓ *
15. Is the basis of the claim indicated? ✓ ✓ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ✓ ✓ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ✓ ✓ *
18. Has the claim been signed, sealed, and dated by a notary? ✓ ✓ *
19. Was this claim filed on time, or was an extension granted? ✓ ✓ *
20. Is the fee enclosed correct? Exempt ✓ ✓ *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ✓ ✓ *
22. Should this claim be data entered? ✓ ✓ *

Claim checked by: latDate: 9-8-89

Claim must be returned to claimant:

(Yes) ✓ (No) ✓

Claimant must be notified of modifications:

(Yes) ✓ (No) ✓

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: see corres for explanation of 2 sources

NOV 28 1989

MICROFILMED

NOV 6 1992