

12/07/2006

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

RIGHT NUMBER: 22-11459
NAME AND ADDRESS: MYRTLE A BAHR
420 W HWY 33
TETONIA ID 83452

MILO D BAHR
420 W HWY 33
TETONIA ID 83452

SOURCE: UNNAMED STREAM TRIBUTARY: TETON RIVER

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1917

POINT OF DIVERSION:
T06N R45E S19 NESW Begin of Stream Flow Within TETON County
T06N R45E S19 SWSW Lot 4 End of Stream Flow Within TETON County
T06N R45E S19 SESWSE Begin of Stream Flow Within TETON 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 in TETON County
T06N R45E S19 NESW T06N R45E S19 Lot 4 SWSW
T06N R45E S19 SESW T06N R45E S19 SWSE

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

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

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 - Beneficial Use
Stockwater use is for 120 range cattle.

12/15/2005

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: 22-11459

MYRTLE A BAHR
420 W HWY 33
TETONIA ID 83452
Telephone Number: (208)456-2657

MILO D BAHR
420 W HWY 33
TETONIA ID 83452
Telephone Number: (208)456-2657

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:

OK DC
*0 acres should be allowed for stock water
as springs are in the pasture*

110 cattle

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: 12-6-06

SIGNATURE:

Milo D. Bahr

Please print your name:

Milo D. Bahr

IDWR Regional Office,



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 9, 2005

MILO BAHR
420 W HWY 33
TETONIA ID 83452

FINAL NOTICE
PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11459

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date MAY 1, 1917, from SPRINGS.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have

12/15/05 No Response → Disallow - No Bill Sent

mailed
10-march 04

March 8, 2004

**MILO D BAHR
420 W HWY 33
TETONIA ID 83452**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11459

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of MAY 1, 1917, from SPRINGS.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Milo D Boha Phone No.: 208-456-2657

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

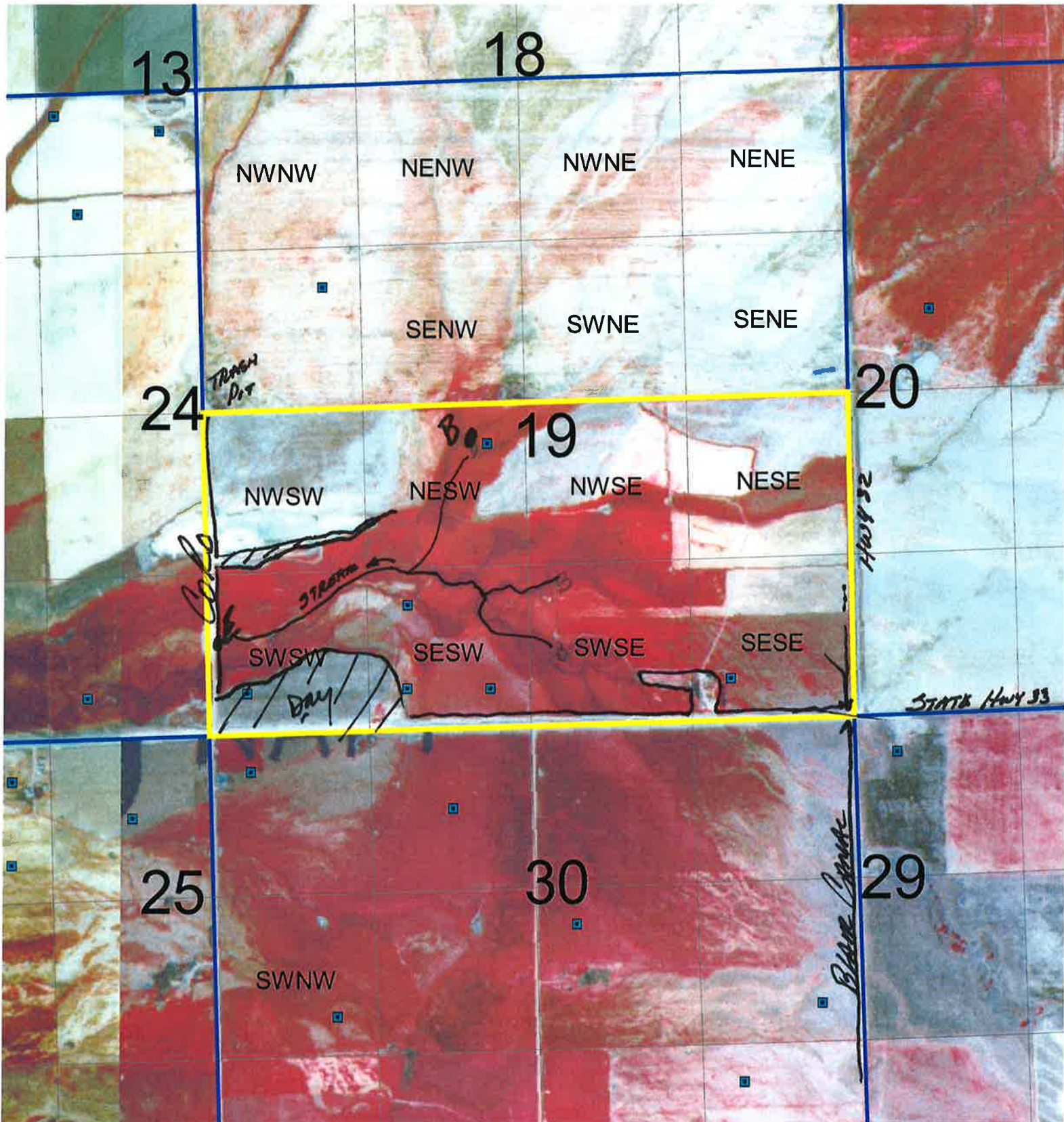
Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B.UOther Water Rights used9/13/04 In Talking with Milo He Has NEVER used
This water For Irrigation and only for Stockwater.Recommend Stockwater only @ 0.02 AS IN-STREAM.75 pcd/poa conveyance/system

Reviewer: _____ Date: _____

22-11459

8/9/04 ABR



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: A22-11459
Date Received: 8/31/1988
Receipt No: ~~E001988~~ E001990
Received By: EG

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILO D. BAHR 208-456-2657
Address: 420 W. HWY. 33
TETONIA, ID 83452
OR
Name: MYRTLE A. BAHR 208-456-2657
Address: 420 W. HWY. 33
TETONIA, ID 83452

A2211459

2. Date of Priority: MAY 01, 1917
3. Source: SPRINGS Trib. to: SINKS
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	19	NE	NE	SW		TETON
			NW	SE	SW	R	TETON
			SE	SE	SW		TETON

5. Description of diverting works:
SPRING FLOW COLLECTED INTO DITCHES. REDIVERSION PUMP IN DITCH IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. ^{2.00} (or)	A.F.A.
IRRIGATION	04/15	10/15	~~1.000~~	
STOCKWATER	01/01	12/31	0.030	

7. Total Quantity Appropriated is:
~~1.000~~ C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 640.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 110 HEAD OF RANGE CATTLE

A22-11459

Page

1

Date: 08/31/88

MICROFILMED
NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	19	NE	SW		IRR	38.0
			NE	SW		STOCK	
			NW	SW	3	IRR	38.0
			SW	SW	4	IRR	38.0
			SW	SW	4	STOCK	
			SE	SW		IRR	40.0
			SE	SW		STOCK	
			NE	SE		IRR	38.0
			NW	SE		IRR	38.0
			SW	SE		STOCK	
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	310.0
						Total Acres	310.0

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:
22-00133/00134/00260/00259

14. Remarks:
SPRINGS HAVE BEEN USED ON PROPERTY FOR AS LONG AS CLAIMANT CAN
RECALL. RELIED UPON FOR WINTER AND WHEN AVAILABLE, SUMMER STOCK
WATERING.

15. Basis of Claim: BENEFICIAL USE

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): Milo D. Bahr Date: 8-31-88

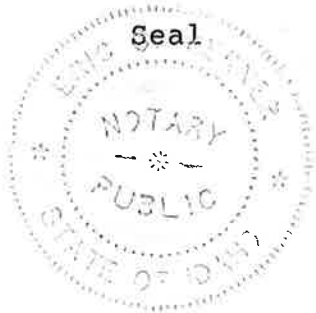
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31 day
of August 19 88

[Signature]
Notary Public

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug. 1994



NOV 8 8 1957
UNCLASSIFIED

A22-11459

R45E

R44E

RE.DV.



N 6-1

12/19/05/01/1917

SPRINGS

BM 6058

UNION