

03/01/2004

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

RIGHT NUMBER: 23-4020

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

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

PRIORITY DATE: 04/28/1958

POINT OF DIVERSION:
T01S R45E S29 SWNE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	05/01 10/31	0.020 CFS

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T01S R45E S29 SENE

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: Beneficial Use

SCANNED
JUL 14 2004

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: 23-04020

FILED UNDER STATE LAW

RECEIVED

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service MAR 18 1998

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 06/01/1957

Department of Water Resources

3. Source of water: SPRING

Tributary: SINKS

4. Location Meridian BOISE

Description of Diversion Works: Headbox

From: Spring

Location of Point of Diversion

T: 01 S R: 45 E S: 29 SWNE

Location of Point of Use

T: 01 S R: 45 E S: 29 SENE

5. Quantity claimed: Period Quantity For
5/ 01 -- 10/ 31 0.02 CFS Domestic

6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS

7. Present and future uses to which the water is or will be used:
Domestic

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

Bound separately

9. Remarks:

State Basin: 23

National Forest: Targhee

Forest Service Record ID: 04 15 17040104 37 0 0135

10. Describe any other water rights used at the same place and for the same purposes as described above: None

11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

SCANNED

JUL 14 2004

Carlsen, Ernie

To: Steven M Spencer
Subject: RE: 23-4020, USFS

Steve, the Basin 23 Preliminary Director's Report for the public was mailed out last week. I expect Don Shaff will be burning the CD for the state and federal agencies sometime this week. Based on your email I will prepare a recommendation for domestic use with a priority date of 4/28/1958, based on the special use permit. Keep me posted on any information you collect concerning the irrigation.
Ernie

-----Original Message-----

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Monday, March 01, 2004 11:47 AM
To: Carlsen, Ernie
Cc: Ruberry, Allen
Subject: Re: 23-4020, USFS

Ernie,

I received this information from Brent Porter concerning the Snake River Boat Club. They received their first special use permit from the Forest Service 4/28/58. The original correspondence makes reference to the water system. Two acres is about right.

I'm not exactly sure what you may need or what we can offer to substantiate the 6/1/57 priority date. If everything was in as permitted in 1958, then 1957 would not appear to be an unreasonable time of 'first use'. It looks like the statutory claim was filed with the department in July of 1979, indicating domestic use and a priority date of June 1957. I can't see any reason that the information filed 25 years ago would necessarily be inaccurate. In addition, considering how things were handled back then, it is probably not unreasonable to think that they were watering 2 acres of lawn or landscaping back then under the domestic use.

I'll give Allen a call later today or tomorrow after he's had a chance to refresh his memory on this case and work with him on determining what information I may need to locate and submit that would meet the departments needs on this matter, and if I need to amend the claim or keep it as it is and file a additional (new) beneficial use claim to address the irrigation matter.

Thank you.

23-04020 STAT

USDA FOREST SERVICE

I. SOURCE: SPRING CLAIMS TRIB TO: SINKS

ORIGINAL CLAIM: SPRING TRIB TO: PALISADES Rgs.

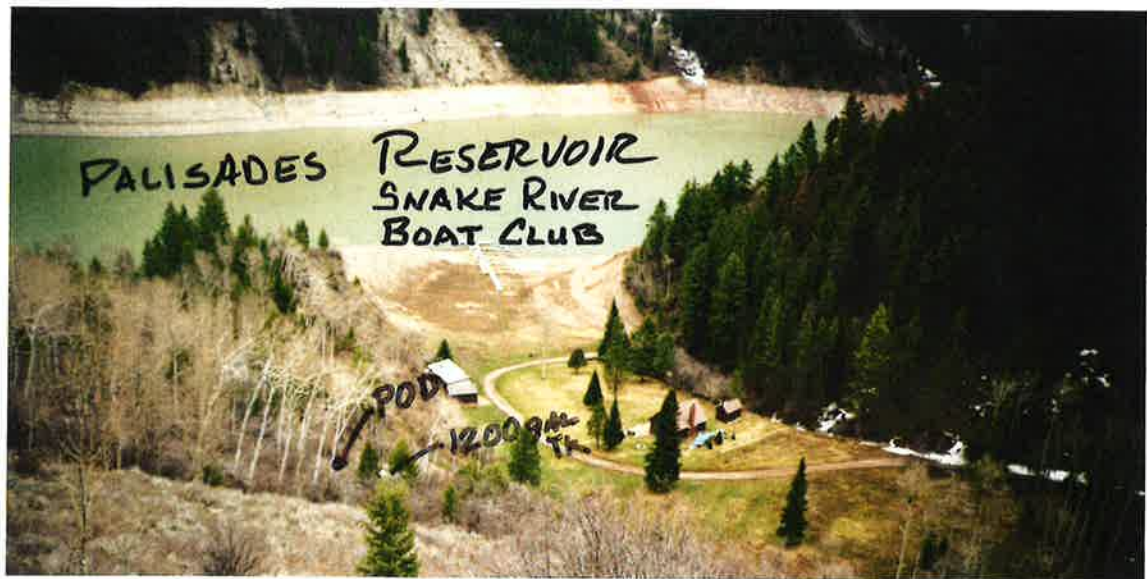
↓
SNAKE RIVER, So Fk

II. POD: (ORIGINAL) T1S R45E SEC. 29 NENE

CLAIMS: T1S R45E SEC. 29 SWNE

RECOMMED: T1S, R.45E. SEC. 29 SENE (L5)

III. POD IS SNAKE RIVER BOAT CLUB



8/20/03 Met STAN & Carol Taylor, CARSTADORS.

PRIG of LAWN FROM Spring - Storage on 1200 gal Tank $\approx 2^{\circ}$ ac
17 TRAILOR HYDRANTS, CABIN.

GPS TAG# A0012445

2 GPM = 10 HRS TO FILL TR

$2 \text{ gpm} \times 1440 \text{ min/day} = 2880 \text{ gal/day}$

FILLS 2.4 times/day

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

Boise, ID 83706

"Carlsen, Ernie"

<ECarlsen@idwr.s
tate.id.us> To: "Steve Spencer (E-mail)" <:sspencer@fs.fed.us>
cc: "Ruberry, Allen" <ARuberry@idwr.state.id.us>

Subject: 23-4020, USFS

01/29/2004 08:47

AM

Steve,

Allen Ruberry is rapidly reaching the end point in making recommendation for

SRBA claims in Basin 23. Included in this group is 23-4020, a beneficial use claim on a spring used for domestic purposes at the Snake River Boat Club on the Bear Creek arm or Palisades Reservoir. The priority date being claimed is 6/01/1957. When statutory claim 23-4020 was originally filed it also listed irrigation as a beneficial use. The Department's investigation indicates there is irrigation taking place. So there are two issues with the SRBA claim. 1) Amend the claim to include irrigation of two acres.

2)

Submit documentation supporting the priority date of 6/01/1957. Allen has contacted a number of Forest Service personnel locally attempting to get priority evidence. To date no documentation or evidence has been submitted.

Without this documentation the claim is subject to being disallowed. We intend to mail the Preliminary Directors report prior to February 23. Your assistance in providing the priority information and possibly amending the claim before February 15 would be appreciated.

Feel free to contact me if you have questions.

Ernie

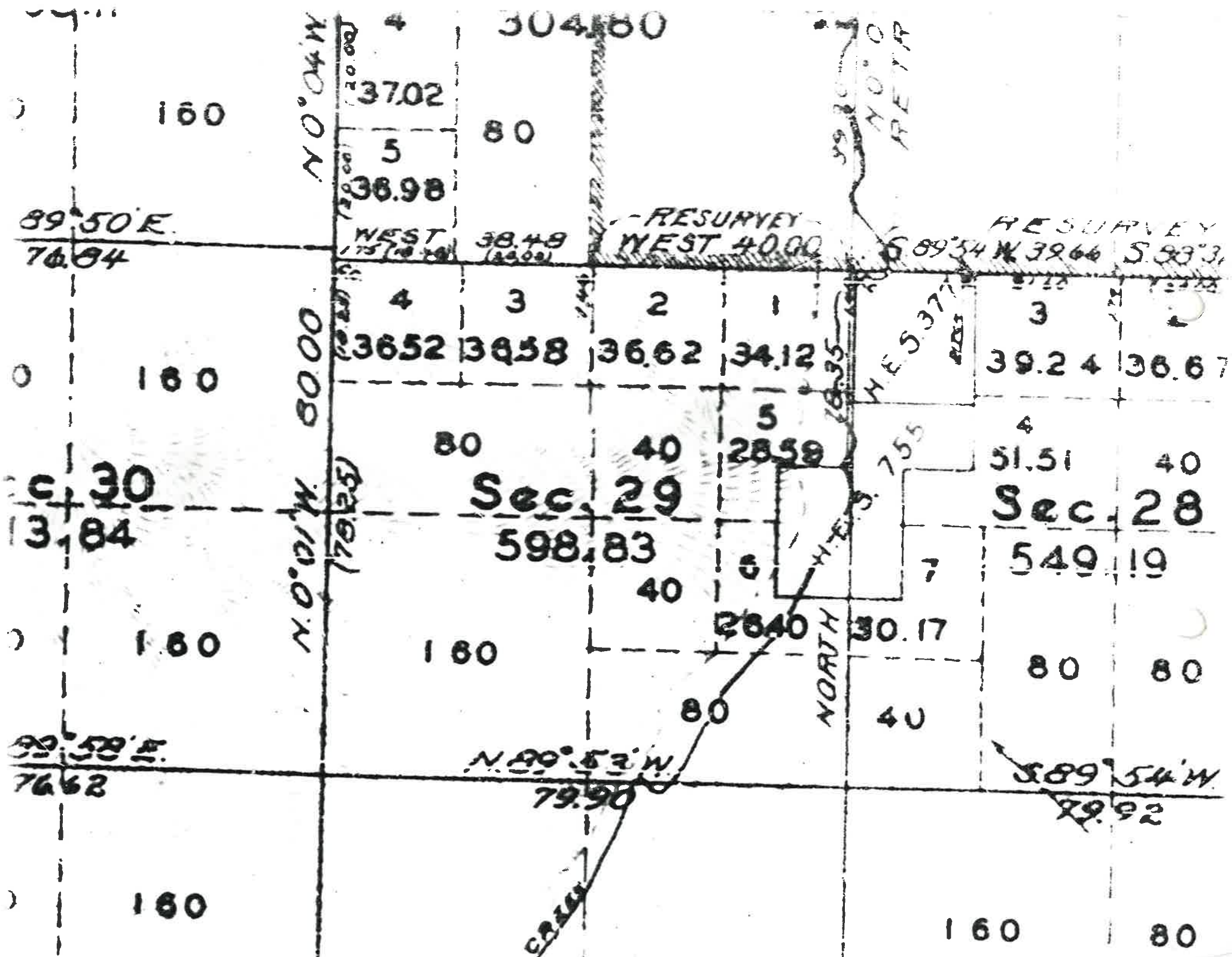
Ruberry, Allen

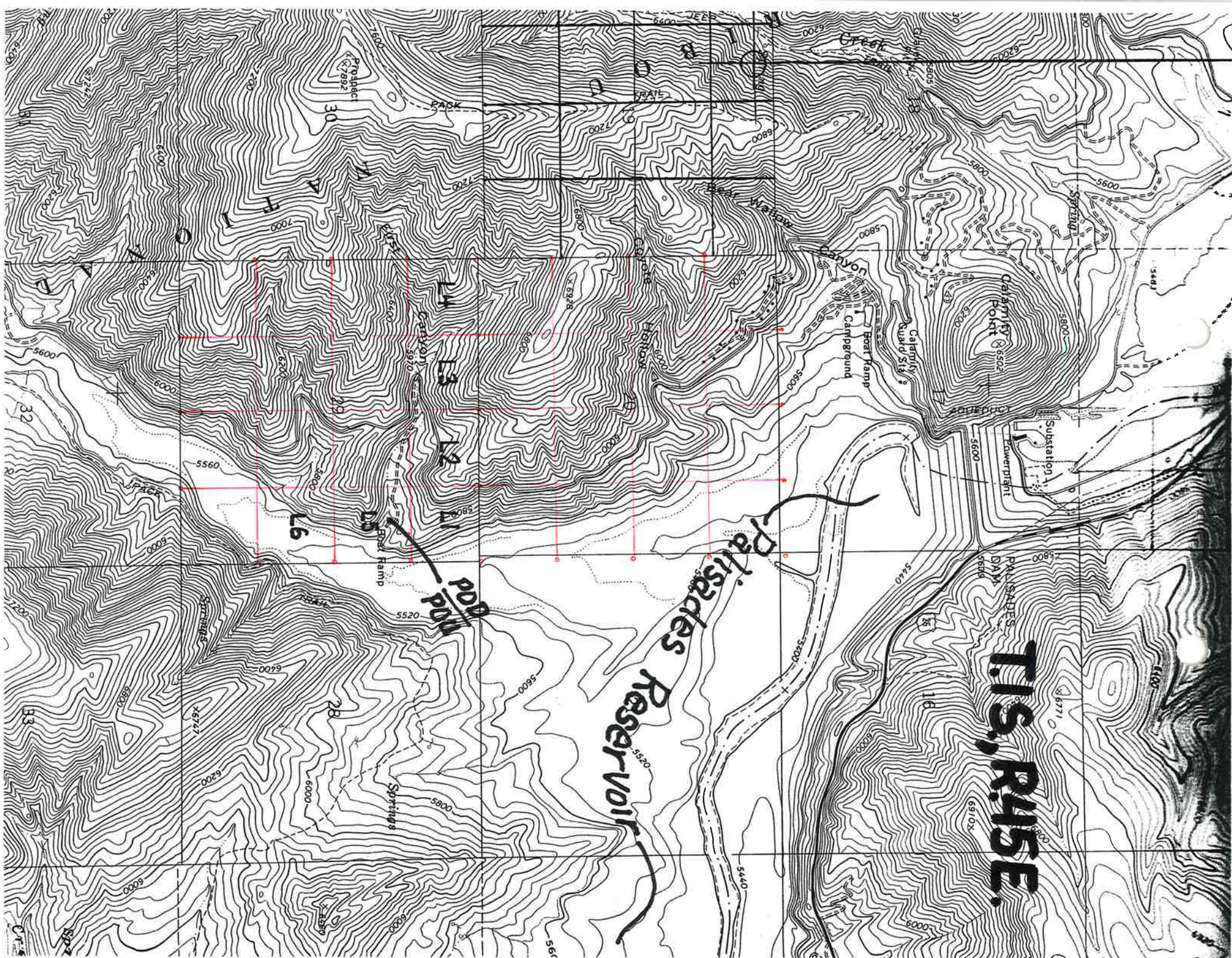
From: Carlsen, Ernie
Sent: Thursday, January 29, 2004 8:48 AM
To: Steve Spencer (E-mail)
Cc: Ruberry, Allen
Subject: 23-4020, USFS

Steve,

Allen Ruberry is rapidly reaching the end point in making recommendation for SRBA claims in Basin 23. Included in this group is 23-4020, a beneficial use claim on a spring used for domestic purposes at the Snake River Boat Club on the Bear Creek arm of Palisades Reservoir. The priority date being claimed is 6/01/1957. When statutory claim 23-4020 was originally filed it also listed irrigation as a beneficial use. The Department's investigation indicates there is irrigation taking place. So there are two issues with the SRBA claim. 1) Amend the claim to include irrigation of two acres. 2) Submit documentation supporting the priority date of 6/01/1957. Allen has contacted a number of Forest Service personnel locally attempting to get priority evidence. To date no documentation or evidence has been submitted. Without this documentation the claim is subject to being disallowed. We intend to mail the Preliminary Directors report prior to February 23. Your assistance in providing the priority information and possibly amending the claim before February 15 would be appreciated. Feel free to contact me if you have questions.

Ernie







Bear Creek

First Canyon

HES #755

HES #377

Palisades Reservoir

Snake River
Boat Club

T1S, R45E

20 21
29 28

T1S, R45E

20 21
29 28

Palisades

First

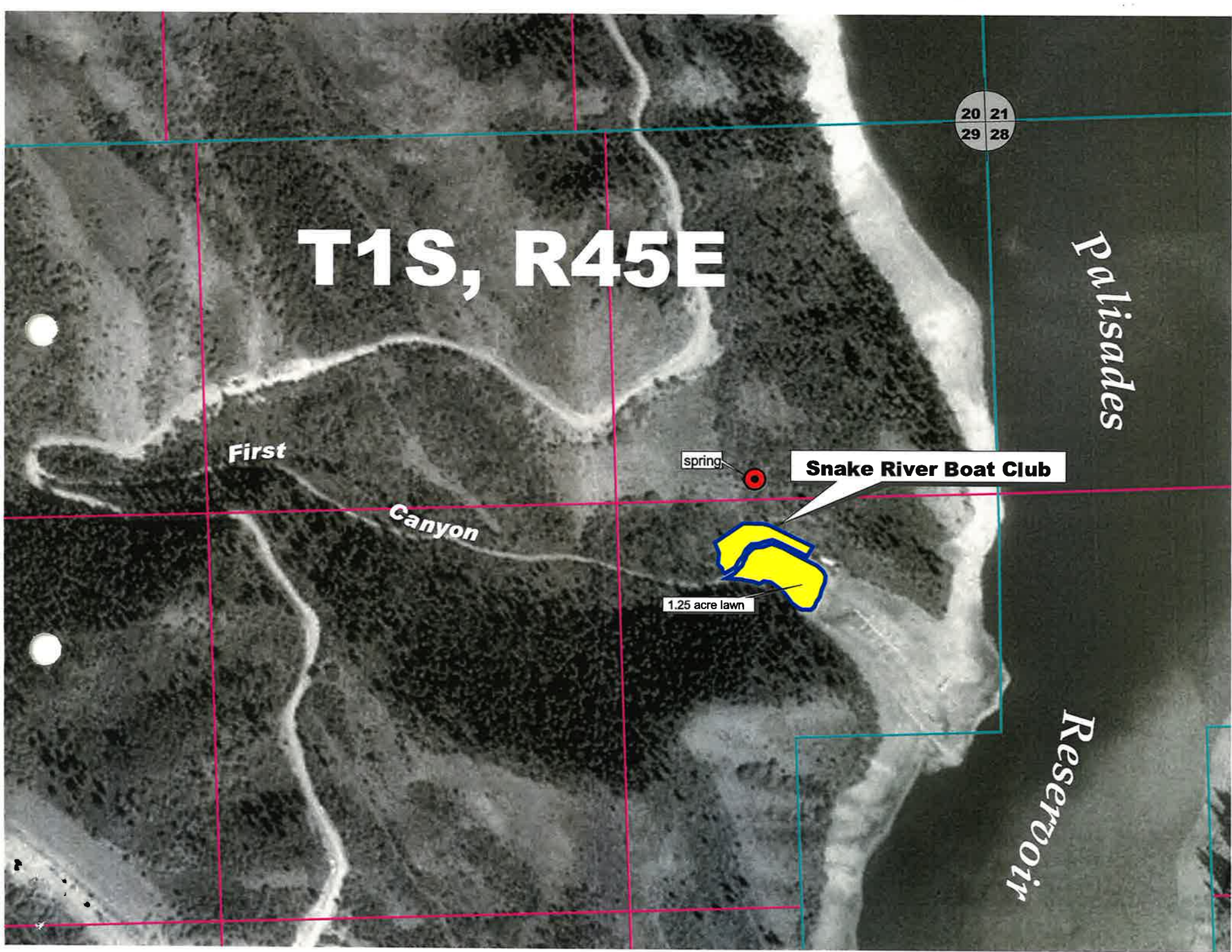
Canyon

spring

Snake River Boat Club

1.25 acre lawn

Reservoir



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 23-4020
Date Received: 3/25/1993
Receipt No: X999999
Received By:
AMENDED

AMENDED

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

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (208)387-0835
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID USA 83724

2. Date of Priority: 06/01/1957

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
01S 45E 29 SE NE BONNEVILLE

5. Description of diverting works:
Headbox

6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/15 10/31 0.02
DOMESTIC 05/01 10/31 0.02

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 2

10. Place of use:
Township Range Section 1/4 of 1/4 Lot Use
01S 45E 29 SE NE DOMESTIC
IRRIGATION
Section Acres
Total Acres

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:
CLAIM AMENDED TO ADD 2.0 ACRES OF IRRIGATION.

FOREST SERVICE RECORD ID = 041517040104370135 00

26 NOV 03 - MAILED
To State Journals USPS
524-7500
w/ REQUEST FOR
Priority Endorsement.

UNSIGNED
1/29/04 No Response
Recommendation made
AS per Original
claim
OM