

12/29/2003

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

RIGHT NUMBER: 25-266

NAME AND ADDRESS: VERNON J SODERMAN  
3744 GRAVEL CREEK RD  
WAYAN ID 83285

ULLA B SODERMAN  
3744 GRAVEL CREEK RD  
WAYAN ID 83285

SOURCE: GRAVEL CREEK

TRIBUTARY: GRAYS LAKE

QUANTITY: 4.500 CFS

USE OF THIS RIGHT WITH RIGHT NO. 25-00273 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 5.5 CFS.

PRIORITY DATE: 04/14/1887

POINT OF DIVERSION:

T05S R43E S22 NESESE Within CARIBOU County

T05S R43E S26 NWSWNW Within CARIBOU County

T05S R43E S26 NENWSW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
05/01 10/31

QUANTITY  
4.500 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05S R43E S22 | NESE | 31.0 | T05S R43E S22 | SWSE | 37.0 |
| T05S R43E S22 | SESE | 18.0 | T05S R43E S23 | SESW | 40.0 |
| T05S R43E S23 | SWSE | 11.0 | T05S R43E S26 | NENW | 40.0 |
| T05S R43E S27 | NENE | 30.0 | T05S R43E S27 | NWNW | 18.0 |

225 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 25-00273 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 275 ACRES IN A SINGLE  
IRRIGATION SEASON.

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(5), Idaho  
Code.

EXPLANATORY MATERIAL: Decreed

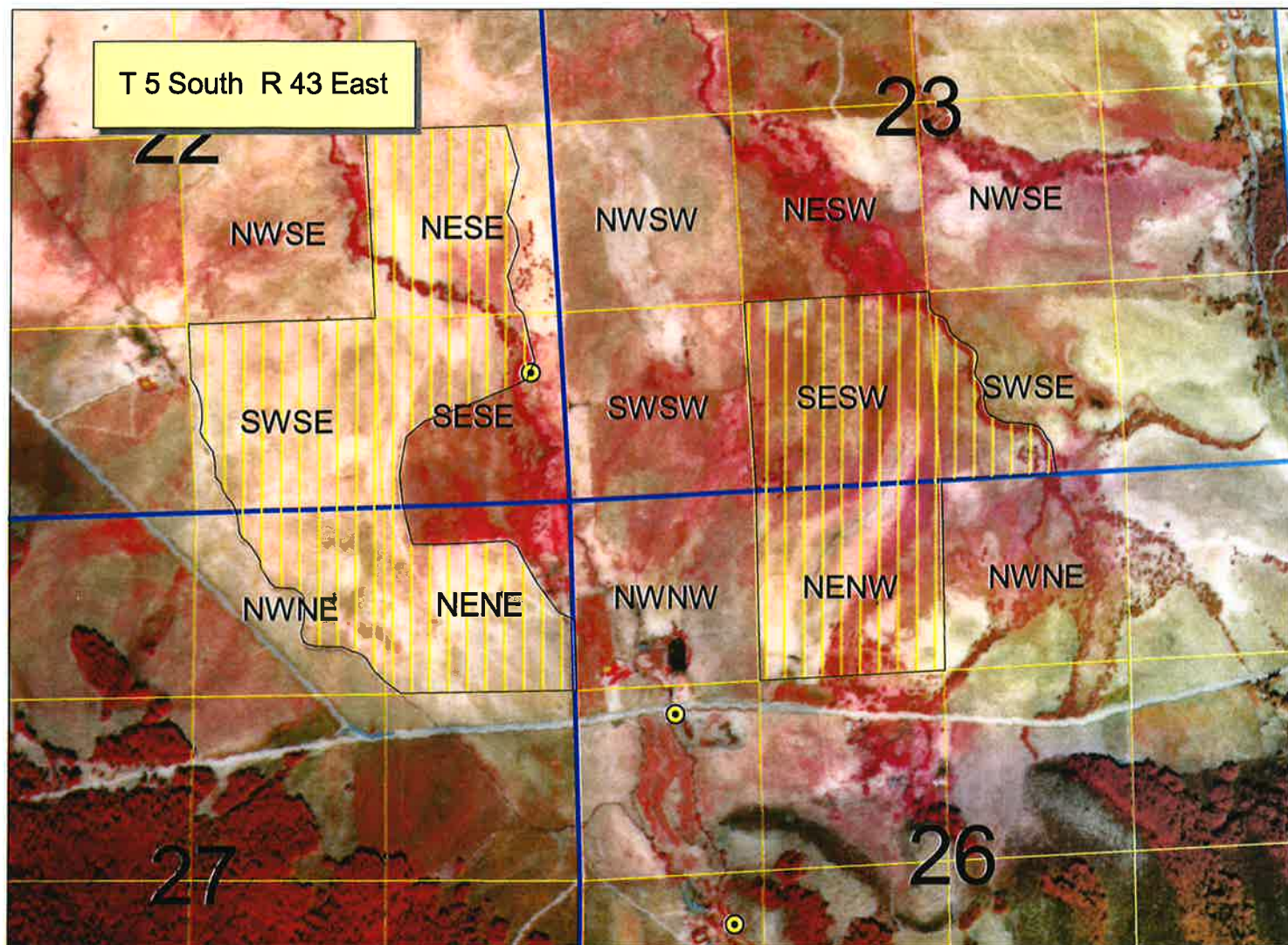


# State of Idaho

## Division of Water Resources

### Eastern Region

Water Right(s): 25-00266



1320 0 1320 2640 3960 5280 Feet

-  25-00266.shp
-  Point of Diversion
-  Section
-  Quarter Quarter

SCANNED

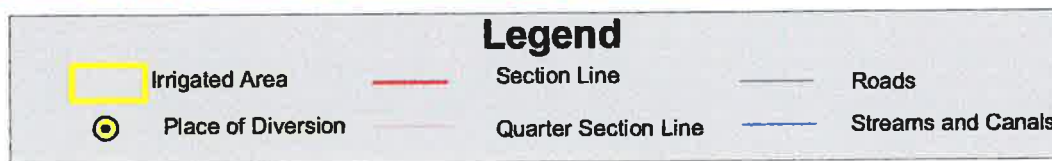
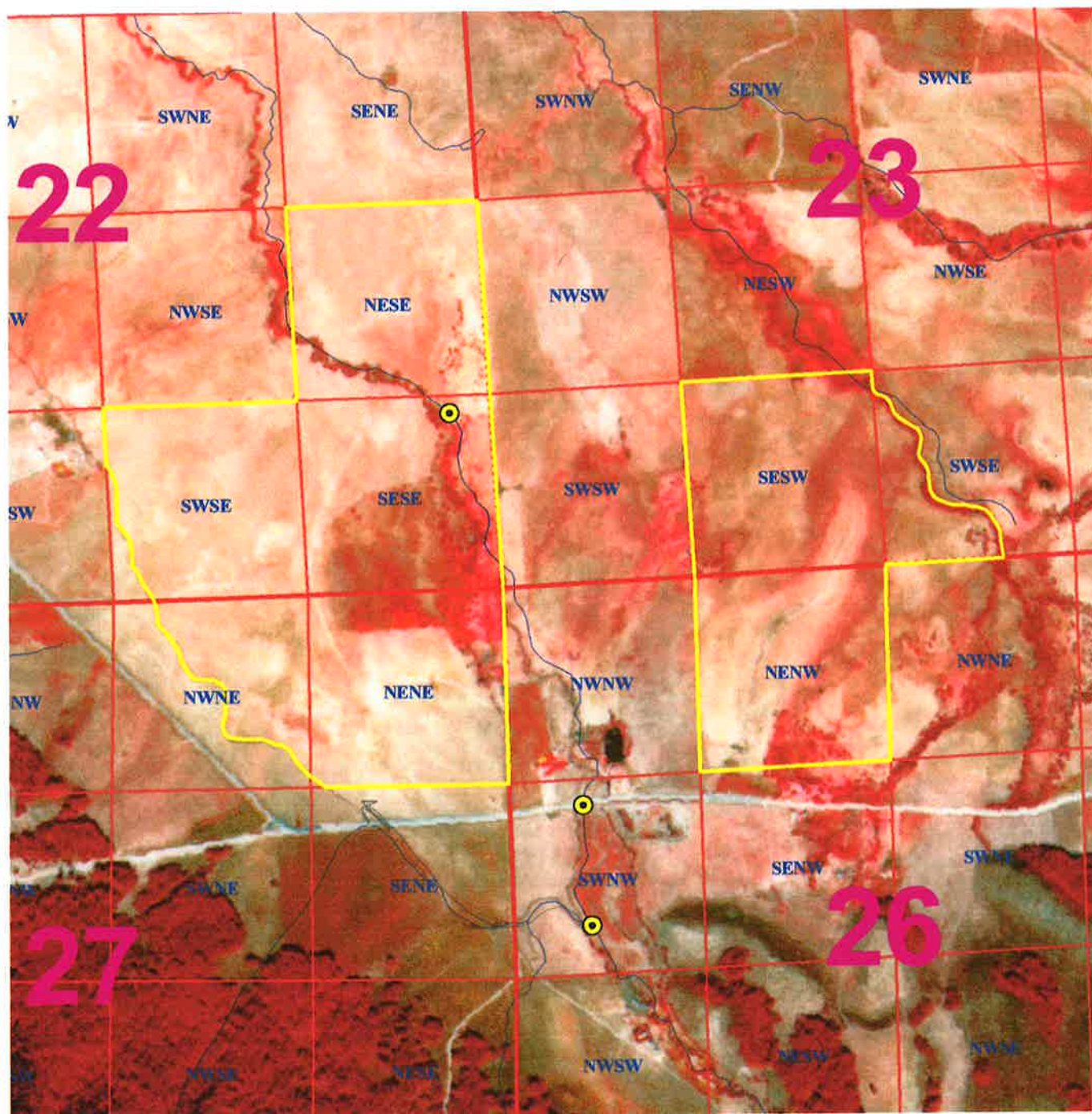
AUG 10 2004



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by R. Mikesell  
Date: December 2003

Water Right Claim Number 25-00266  
Township , 5S43E

11/16/2000



800 0 800 1600 2400 Feet

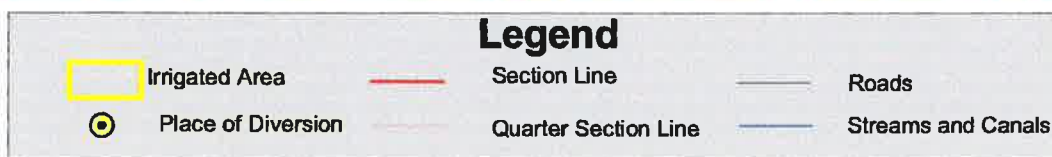
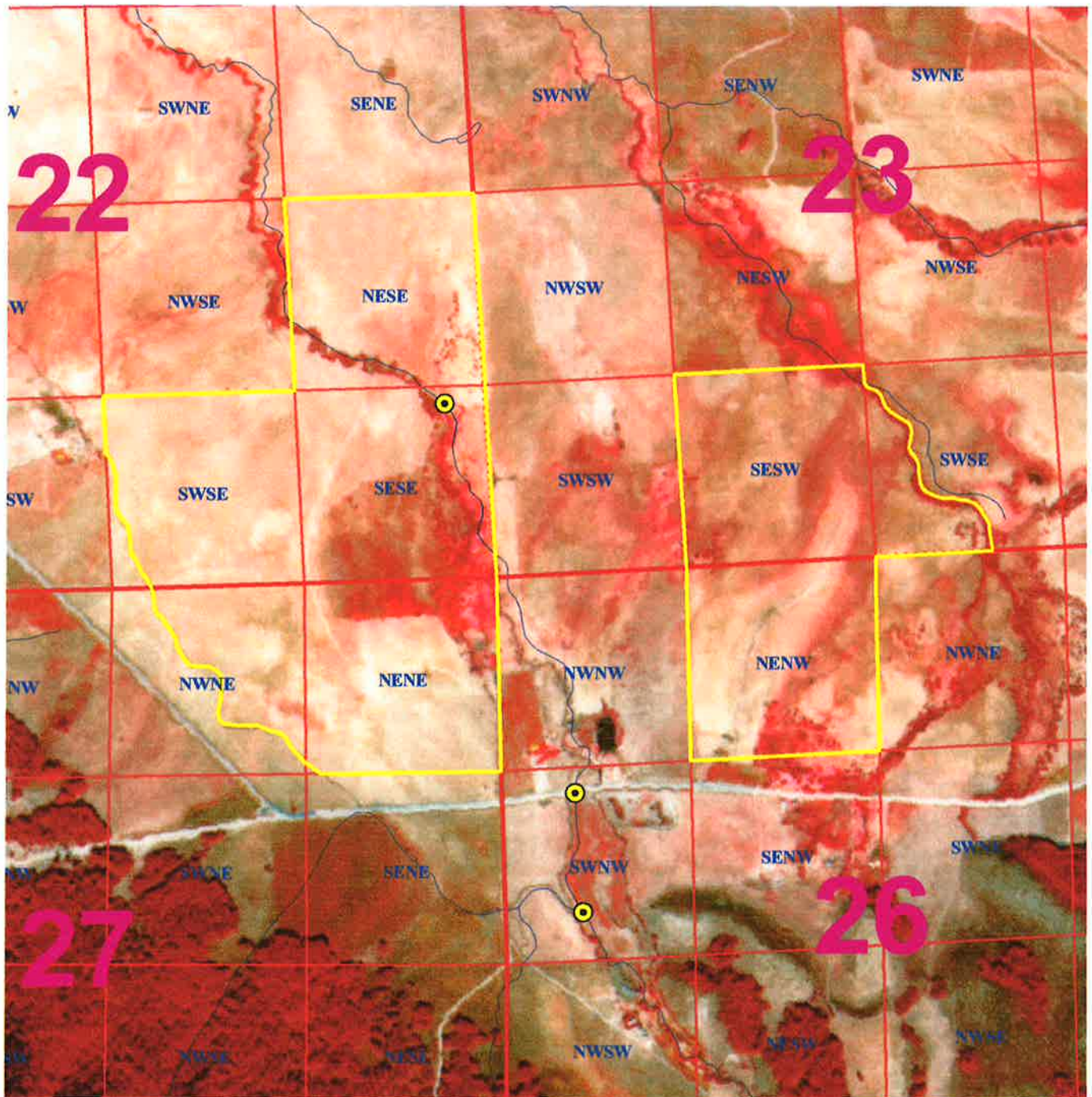


 SPATIAL  
DYNAMICS



Water Right Claim Number 25-00266  
Township , 5S43E

11/16/2000

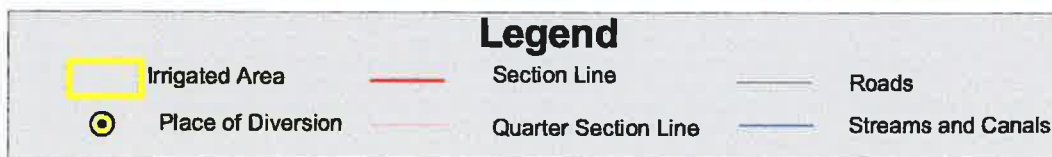
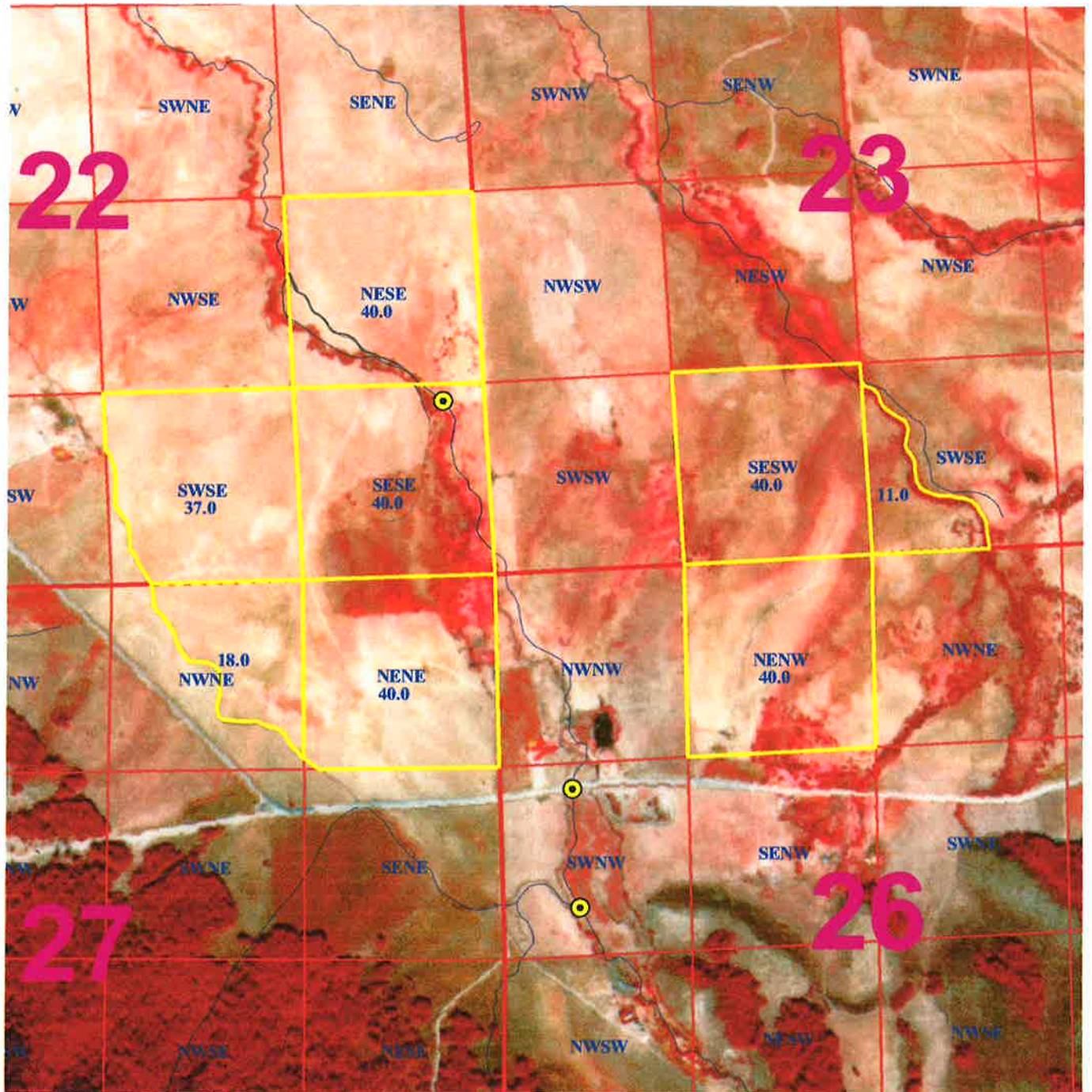


 SPATIAL  
DYNAMICS



Water Right Claim Number 25-00266  
Township , 5S43E

11/16/2000



 SPATIAL  
DYNAMICS



Rm

12/29/2003

**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: 25-266

VERNON J SODERMAN  
3744 GRAVEL CREEK RD  
WAYAN ID 83285  
Telephone Number: (208)574-2145

ULLA B SODERMAN  
3744 GRAVEL CREEK RD  
WAYAN ID 83285  
Telephone Number: (208)574-2145

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:
  
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:

9-20-04

SIGNATURE:

Vernon J. Soderman

Please print your name:

VERNON J SODERMAN

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

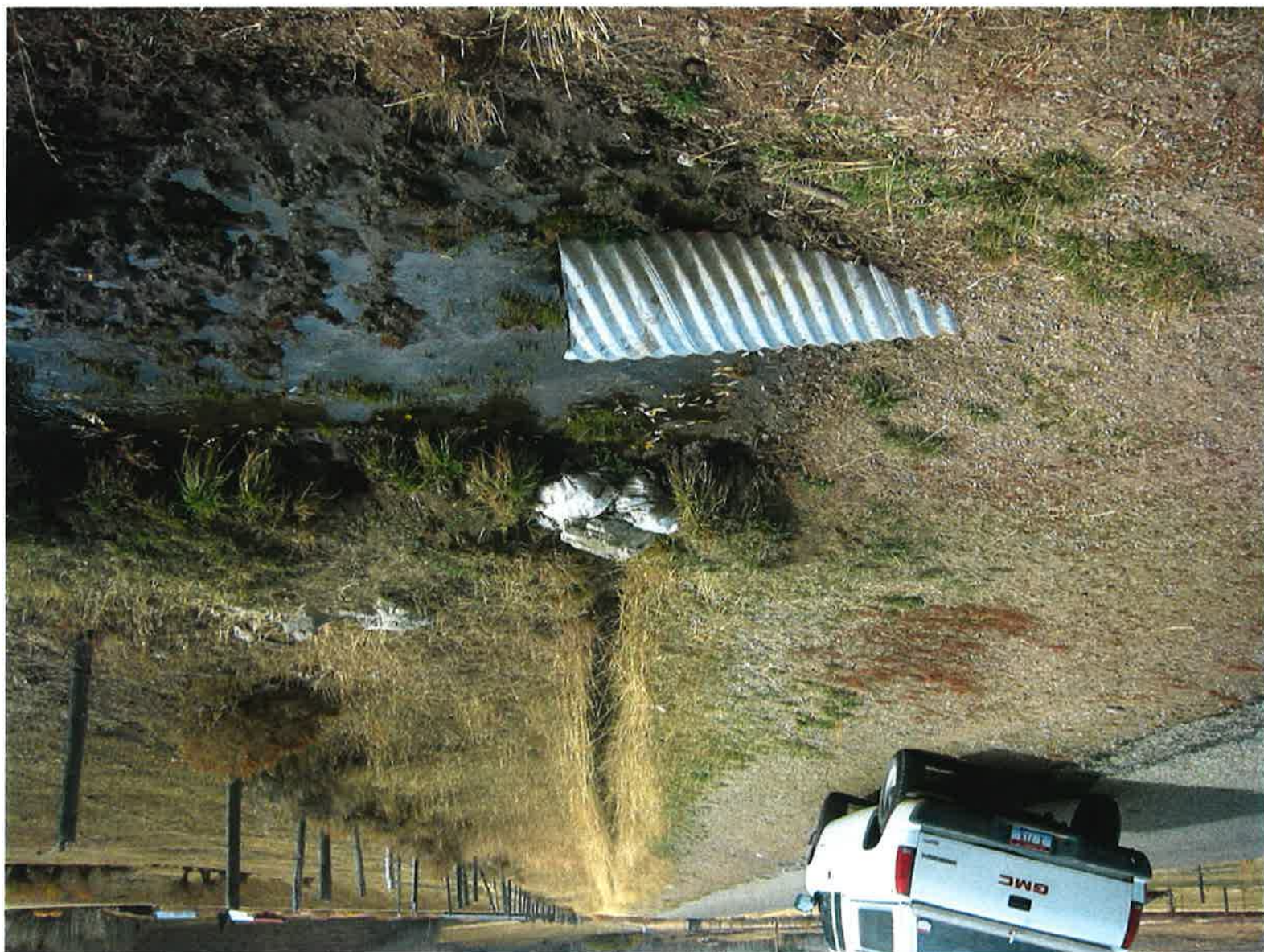
**PROFILED**

**SCANNED**

**SEP 22 2004**

GPS Coordinates  
71 3074  
209592

Second diversion from Canal Creek- Ditch runs parallel to road while stream flows through culvert and under the road.





first diversion - splits the water in two - one to a ditch that moves to the west and one that is the original stream channel

713202 - coordinates  
209143



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

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 13 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water right in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 25.

You are invited to attend a **public meeting to be held on March 10 at 7:00 p.m. in the West Coast/Red Lion Hotel, 475 River Parkway, Idaho Falls, Targhee and Bonneville Rooms.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 25. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

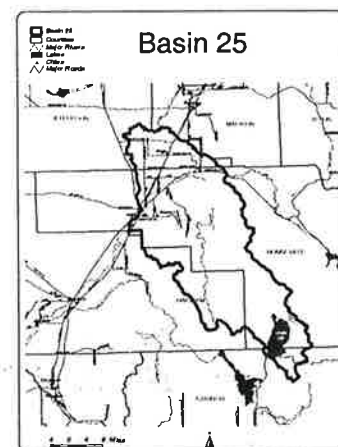
This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and the Portneuf River.

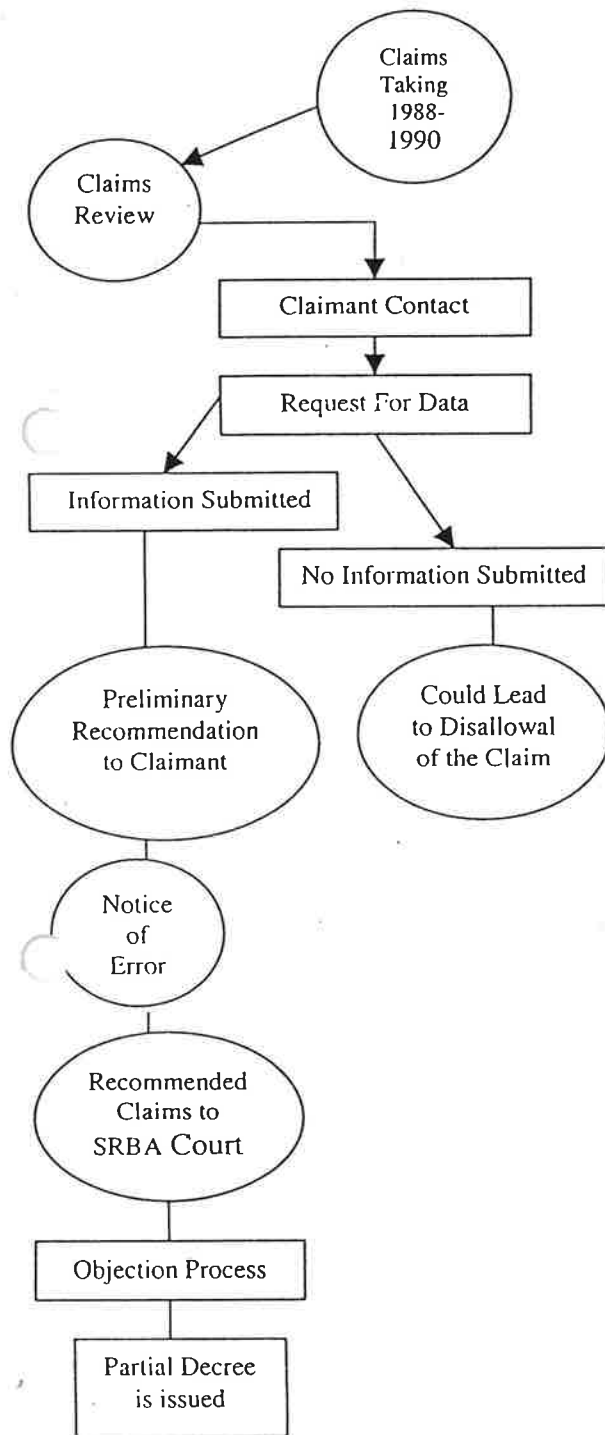
Please contact the Idaho Falls Office with any questions.

Sincerely,

Ernest Carlsen  
Adjudication Supervisor, Eastern Region

Enclosure: Information Brochure





## Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A. You filed your claims in 1989. Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A. The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A. You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A. If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A. There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

## The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudication staff utilize:

- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

SCANNED

JUL 27 2001

Log for claim 25-00266

Spatial Dynamics CAT

11/16/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|----------------|-----|------|------------------|----------------|---------------|
| 05s43e         | 22  | NESE | 30               | 40             | Indiscernible |
| 05s43e         | 22  | SWSE | 35               | 37             |               |
| 05s43e         | 22  | SESE | 30               | 40             | Indiscernible |
| 05s43e         | 23  | SESW | 40               | 40             |               |
| 05s43e         | 23  | SWSE | 15               | 11             | Indiscernible |
| 05s43e         | 26  | NENW | 40               | 40             |               |
| 05s43e         | 27  | NENE | 20               | 40             | Indiscernible |
| 05s43e         | 27  | NWNE | 15               | 18             |               |
| <b>Totals:</b> |     |      | 225              | 266            |               |

AJ5809NP  
No. A25-00266

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00  
PAGE: 12

| OWNER<br>CODE | NAME & ADDRESS       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | VERN J SODERMAN      | 04/14/1887       | IRRIGATION | 04-01 11-01           | 4.500 CFS         |                     |
| C             | ULLA B SODERMAN      |                  |            |                       |                   |                     |
|               | 3744 GRAVEL CREEK RD |                  |            |                       |                   |                     |
|               | WAYAN ID 83285       |                  |            |                       |                   |                     |
|               | (208) 574-2145       |                  |            |                       |                   |                     |
|               |                      |                  |            | TOTAL DIVERSION:      | 4.500 CFS         |                     |
|               |                      |                  |            | CONSUMPTIVE USE:      |                   | 562.50 AFA          |

Water Source: GRAVEL CREEK

Tributary to: GRAYS LAKE

Stage: DECREED

Point(s) of Diversion:

T05S R43E S22  
S26

NESESE  
NWSWNW

SWSWNW

CARIBOU County  
CARIBOU County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |    |      |      | SE   |      |    |      |      |      |      |             |       |   |  |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|-------------|-------|---|--|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | :  | NESW | NWSW | SWSW | SESW | :  | NESE | NWSE | SWSE | SESE | :           | SUM   |   |  |
|     |     |    | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac   | Lt   | Ac   | Lt   | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt   | Ac   | Lt   | Ac   | Lt          | Ac    | : |  |
| 05S | 43E | 22 | : |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :  | 30   |      | 35   | 30   | :           | 95.0  |   |  |
| 05S | 43E | 23 | : |      |      |      |      | :  |      |      |      |      | :  |      |      |      | 40   | :  |      |      | 15   |      | :           | 55.0  |   |  |
| 05S | 43E | 26 | : |      |      |      |      | :  | 40   |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :           | 40.0  |   |  |
| 05S | 43E | 27 | : | 20   |      | 15   |      | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :           | 35.0  |   |  |
|     |     |    |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES | 225.0 |   |  |

POU County: CARIBOU

Non-Irrigation Uses: -

Other Rights: A25-00273.

Other Water Rights Listing Overlapping Place(s) of Use:  
A25-00273

Remarks: GEN DECREED RIGHT FOR 5/12 OF GRAVEL CREEK. CLAIMED FLOW RATE IS  
BASED ON 0.02 CFS PER ACRE.  
LAND IN NESE, SESE, & SWSE OF SECTION 22, AND NENE OF SECTION 27  
IS LEASED FROM JOAN SOMSEN.  
LAND IN NWNE OF SECTION 27 IS OWNED BY SHIRLEY ROFFSON.  
REMAINING LAND CLAIMED IN SECTIONS 23 AND 26 OWNED BY CLAIMANTS.

Dates: Exam Made Date: Verified Date: 05/20/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 11/28/89 OLENICHA 11/29/89 OLENICHA 03/29/95 POST-STD



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

November 29, 1989

Vern and Ulla Soderman  
3744 Gravel Creek Rd.  
Wayan, ID 83285

RE: Corrections to Notices of Claim

Dear Mr. and Mrs. Soderman:

Enclosed are the amended Notices of Claim to a Water Right, A25-00266 and A25-00273, with the corrected information in Items #12 and #14. If the information appears correct, please sign and notarize the amended notices in Item #16 and return them to the Department of Water Resources to correct the previously recorded information.

If you have any questions, please call me at 1-525-7161.

Sincerely,

A handwritten signature in cursive script, reading 'Tony Olenichak'.

Tony Olenichak  
Senior Water Right Agent

Enclosure

MICROFILMED  
NOV 10 1992

JUL 27 2001

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

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

CIVIL CASE NUMBER: 39576

DEC 05 1989

Ident. Number: A25-00266

Date Received: 11/28/1989

Receipt No: E011209

Received By:

Department of Water Resources  
Eastern District Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VERN J. SODERMAN  
Address: 3744 GRAVEL CREEK RD  
WAYAN, ID

208-574-2145

83285

AND/OR

Name: ULLA B. SODERMAN  
Address: 3744 GRAVEL CREEK RD  
WAYAN, ID

208-574-2145

83285

2. Date of Priority: APR 14, 1887

3. Source: GRAVEL CREEK

Trib. to: GRAYS LAKE

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 05S      | 43E   | 22      | NE     | SE     | SE     |     | CARIBOU |
|          |       | 26      | NW     | SW     | NW     |     | CARIBOU |
|          |       |         | SW     | SW     | NW     |     | CARIBOU |

5. Description of diverting works:  
HEADGATE/DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 4.500  |      |        |

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

A.F.A.

8. Total consumptive use is 562.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A25-00266

Page 1

Date: 11/29/89

A2500266



MICROFILMED  
NOV 10 1992

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres         |      |
|----------|-------|---------|-----|----|-----|-----|---------------|---------------|------|
| 05S      | 43E   | 22      | NE  |    | SE  |     | IRR           | 30.0          |      |
|          |       |         | SW  |    | SE  |     | IRR           | 35.0          |      |
|          |       |         | SE  |    | SE  |     | IRR           | 30.0          |      |
|          |       |         |     |    |     |     | Section Acres | 95.0          |      |
|          |       | 23      | SE  |    | SW  |     | IRR           | 40.0          |      |
|          |       |         | SW  |    | SE  |     | IRR           | 15.0          |      |
|          |       |         |     |    |     |     |               | Section Acres | 55.0 |
|          |       | 26      | NE  |    | NW  |     | IRR           | 40.0          |      |
|          |       |         |     |    |     |     |               | Section Acres | 40.0 |
|          |       |         |     |    |     |     |               |               |      |
|          |       | 27      | NE  |    | NE  |     | IRR           | 20.0          |      |
|          |       |         | NW  |    | NE  |     | IRR           | 15.0          |      |
|          |       |         |     |    |     |     |               | Section Acres | 35.0 |
|          |       |         |     |    |     |     | Total Acres   | 225.0         |      |

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:  
A25-00273.

14. Remarks:

DECREED RIGHT FOR 5/12 OF GRAVEL CREEK. CLAIMED FLOW RATE IS  
BASED ON 0.02 CFS PER ACRE.  
LAND IN NESE, SESE, & SWSE OF SECTION 22, AND NENE OF SECTION 27  
IS LEASED FROM JOAN SOMSEN.  
LAND IN NWNE OF SECTION 27 IS OWNED BY SHIRLEY ROAFSON.  
REMAINING LAND CLAIMED IN SECTIONS 23 AND 26 OWNED BY CLAIMANTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN SODERMAN ET AL  
Decree Plaintiff

vs

DR. EVAN KACKLEY ET AL  
Decree Defendant

A25-00266

Page 2

Date: 11/29/89

**MICROFILMED**  
**NOV 10 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): Ulla B. Soderman Date: 12-4-89  
Vern J. Soderman Date: 12-4-89

State of Idaho )  
County of Caribou ) SS.

Subscribed and sworn (or affirmed) before me this 4th day  
of December 19 89  
Helene Shiller  
Notary Public

Seal

Residing at Grice, Idaho  
My Commission Expires 2-9-91

#275 X

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: A25-00266  
Date Received: 11/28/1989  
Receipt No: E011209  
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: VERN J. SODERMAN 208-574-2145  
Address: 3744 GRAVEL CREEK RD  
WAYAN, ID 83285

AND/OR

Name: ULLA B. SODERMAN 208-574-2145  
Address: 3744 GRAVEL CREEK RD  
WAYAN, ID 83285

2. Date of Priority: APR 14, 1887

3. Source: GRAVEL CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 05S      | 43E   | 22      | NE     | SE     | SE     |     | CARIBOU |
|          |       | 26      | NW     | SW     | NW     |     | CARIBOU |
|          |       |         | SW     | SW     | NW     |     | CARIBOU |

5. Description of diverting works:  
HEADGATE/DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 4.500  |      |        |

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

8. Total consumptive use is 562.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
-

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot         | Use           | Acres |
|----------|-------|---------|--------|-----|-------------|---------------|-------|
| 05S      | 43E   | 22      | NE     | SE  |             | IRR           | 30.0  |
|          |       |         | SW     | SE  |             | IRR           | 35.0  |
|          |       |         | SE     | SE  |             | IRR           | 30.0  |
|          |       |         |        |     |             | Section Acres | 95.0  |
|          |       | 23      | SE     | SW  |             | IRR           | 40.0  |
|          |       |         | SW     | SE  |             | IRR           | 15.0  |
|          |       |         |        |     |             | Section Acres | 55.0  |
|          |       | 26      | NE     | NW  |             | IRR           | 40.0  |
|          |       |         |        |     |             | Section Acres | 40.0  |
|          |       |         | 27     | NE  | NE          |               | IRR   |
|          |       | NW      |        | NE  |             | IRR           | 15.0  |
|          |       |         |        |     |             | Section Acres | 35.0  |
|          |       |         |        |     | Total Acres | 225.0         |       |

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:  
A25-00273.

14. Remarks:  
 DECREED RIGHT FOR 5/12 OF GRAVEL CREEK. CLAIMED FLOW RATE IS  
 BASED ON 0.02 CFS PER ACRE.  
 LAND IN NESE, SESE, & SWSE OF SECTION 22 IS LEASED BY CLAIMANTS  
 FROM JOAN SOMSEN.  
 LAND IN NWNE OF SECTION 27 IS OWNED BY SHIRLEY ROFFSON.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN SODERMAN ET AL  
Decree Plaintiff

vs

DR. EVAN KACKLEY ET AL  
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: 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): Vern J. Soderman Date: 11-28-89  
Ulla B. Soderman Date: 11-28-89

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 28<sup>th</sup> day  
of November 19 89

Anthony J. Olenchak  
Notary Public

Seal

Residing at Idaho Falls  
My Commission Expires 9/12/1994

NOV 10 1962

MICROFILMED

