

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

EXPLANATORY MATERIAL: Decreed

12/31/2003

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

RIGHT NUMBER: 25-270
NAME AND ADDRESS: TOD NUFFER
WAYAN ID 83285
PHYLLIS NUFFER
WAYAN ID 83285

SOURCE: GRAVEL CREEK TRIBUTARY: GRAYS LAKE

QUANTITY: 0.625 CFS

PRIORITY DATE: 04/14/1887

POINT OF DIVERSION:

T05S R43E S26 NENWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.625 CFS
STOCKWATER	04/01 11/01	0.020 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R43E S22 SENW 40.0

STOCKWATER Within CARIBOU County

T05S R43E S22 SENW

40 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: Decreed

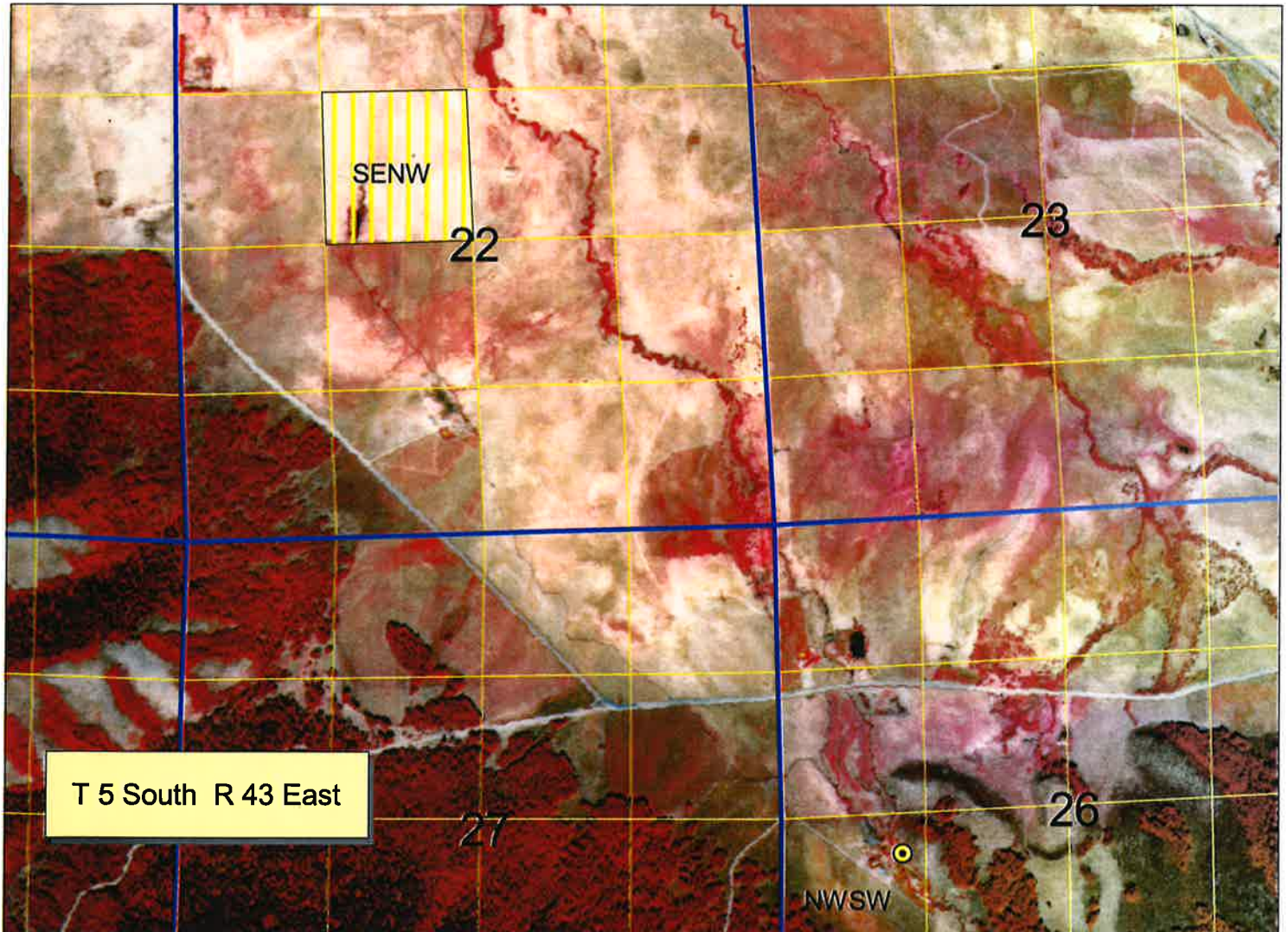


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-00270



1320 0 1320 2640 3960 5280 Feet

- Place of Use
- Point of Diversion
- Section
- Quarter Quarter

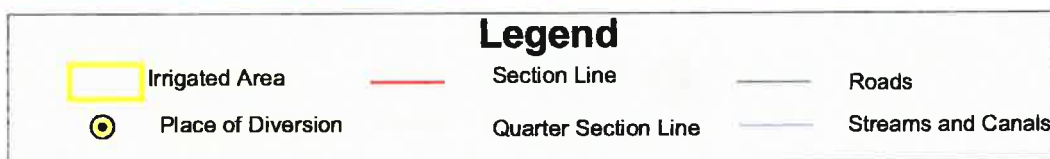
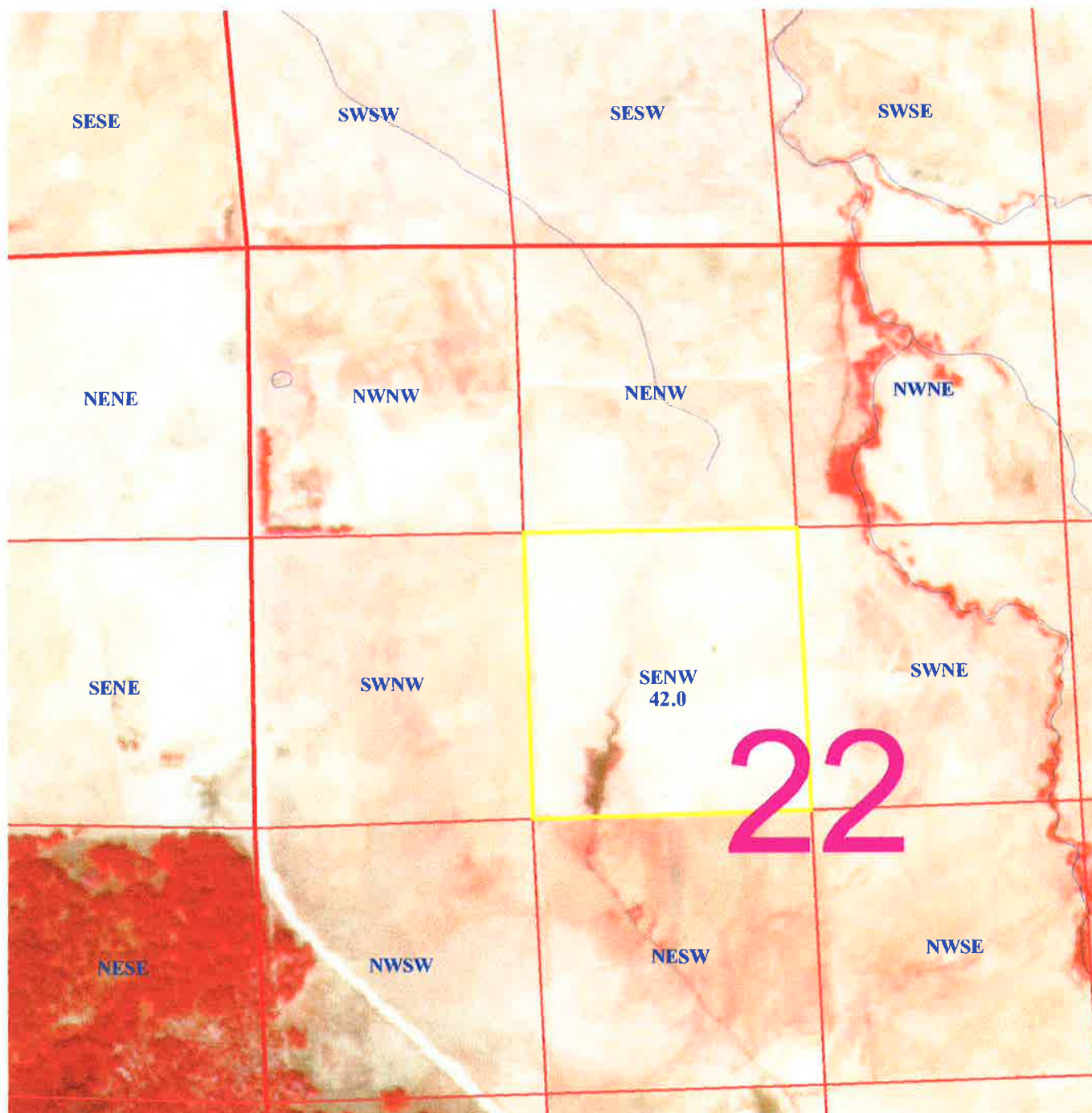
SCANNED
AUG 10 2004



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

Water Right Claim Number 25-00270
Township , 5S43E

11/06/2000



SPATIAL
DYNAMICS



RECEIVED

SEP 17 2004

12/31/2003

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

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: 25-270

TOD NUFFER

WAYAN ID 83285

Telephone Number: (208) 574-2225

PHYLLIS NUFFER

WAYAN ID 83285

Telephone Number: (208) 574-2225

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

C.F.S discrepancy on irrigation and stockwater

2. Describe the changes you wish to make in the proposed recommendation:

.750 Irrigation
.050 Stockwater

3. Give a brief explanation as to why you disagree with these portions:

Discrepancy from what historical water right read.

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9/9/04

SIGNATURE: Todd L. Nuffer

Please print your name: Tod L. Nuffer

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

PROFILED

SCANNED
SEP 17 2004

PROVIDED

SCANNED
NOV 3 0 2004

Quantity was determined by
Decree.

Gravel Creek is estimated
at 10 cfs in Decree (in tunnel)

this portion of water right was
given $\frac{1}{16}$ of water in gravel
creek

$\frac{1}{16}$ of 10 cfs = 625 cfs

9/14/04

Talked to Tod about Quantity
and agreed to 625 cfs
J. A. Webb
J. A. Webb

Need to match season of use because of
precedent

meeting w/ Eric 10/14/04

needs stock conditions Nos 108

Shred w/ Tod on 10/18 PM

Mikel H. Williams; the Defendant, State of Idaho, Department of Water Resources, appearing by and through Assistant Attorney General Nathan W. Higer, and the Court having considered the testimony and the briefs of the parties,

AND the parties have agreed that the Court could enter a separate Judgment with respect to the issues between the private person plaintiffs and defendants inter sese, and that formal findings of fact and conclusions of law are waived, with it further being stipulated that the matter of the judicial determination of the rights of the United States of America and of the State of Idaho would be left open to further and separate judicial determination, and the Court being fully advised in the premises, enters its judgment and decree of water rights as between private citizen plaintiffs and defendants inter sese as follows, the said parties having waived the entry of formal Findings of Fact and Conclusions of Law:

I.

IT IS ORDERED, ADJUDGED AND DECREED that the water flow in the month of June in the following creeks located in Caribou County, Idaho, is approximately as follows:

Gravel Creek	10 c.f.s.
Lincoln (Harrison) Creek	3 c.f.s.
Wayan (Wayne) Creek	4.5 c.f.s.

said creeks being depicted upon the map attached to this Judgment and Decree as Appendix "A" and made a part hereof as though fully set forth herein. IT IS FURTHER DETERMINED AND DECREED that the three springs identified on Appendix "A" as items No. 7, 8 and 9 and a fourth spring located in the Northeast Quarter of the Northeast Quarter of Section 27, Township 5 South, Range 43 East of the Boise Meridian, each have a flow of approximately one-third c.f.s.

II.

25-0264 That the Plaintiff, Leith R. Somsen, by virtue of the use of the waters of Wayne Creek, by himself and his predecessors in interest is decreed a right to all of the waters of Wayne Creek dating from the 14th day of April, 1887, said waters being appurtenant to the following described premises, consisting of 200 irrigable acres, to-wit:

Township 5 South, Range 43 East of the Boise Meridian:

Section 23: SW $\frac{1}{4}$ NE $\frac{1}{4}$, tract in SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and tract in NE $\frac{1}{4}$ SE $\frac{1}{4}$.

III.

25-0265 That the plaintiff, Dan Morgan, by virtue of the use of the waters of Lincoln (Harrison) Creek by himself and his predecessors in interest is decreed a right to all of the waters of Lincoln (Harrison) Creek dating from the 14th day of April, 1887, said waters being appurtenant to the following described premises, consisting of 150 irrigable acres, to-wit:

Township 5 South, Range 43 East of the Boise Meridian:

Section 11: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.

IV.

That the waters of Gravel Creek are hereby decreed to the following people in the following portions as of the following stated date of appropriation by the said parties or their predecessors in interest of the water of Gravel Creek for stock watering and irrigation purposes:

	<u>NAME</u>	<u>PORTION</u>	<u>DATE</u>	<u>REAL ESTATE</u>
25-0266	1. John Soderman	5/12	4/14/1887	TRACT 1: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, in T. 5 S., R. 43 E.B.M., containing 240 acres according to the government survey.
				TRACT 2: NE $\frac{1}{4}$ NE $\frac{1}{4}$, and that portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27 which lies North of the highway running through said quarter section and the S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T. 5 S., R. 43 E.B.M., (240 Irrigable Acres) SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 23, T. 5 S., R. 43 E.B.M. (100 Irrigable Acres). S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 26, T. 5 S., R. 43 E.B.M. (21 Irrigable Acres.) NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (31 Irrigable Acres.)
25-0267	2. Alice Hopkins	3/12	4/14/1887	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)
25-0268	3. Farrell Stoor	1/12	4/14/1887	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)
25-0269	4. Frank Stoor	1/16	4/14/1887	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)
25-0270	5. Jack Nuffer	1/16	4/14/1887	NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T. 5 S., R. 43 E.B.M.
25-0271	6. Alfred Vias	1/16	4/14/1887	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)
25-0272	7. Oscar Vias	1/16	4/14/1887	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, T. 5 S., R. 43 E.B.M. (40 Irrigable Acres.)

V.

That the plaintiff, John Soderman, and his predecessors in interest have since the year 1887 utilized on Tract 1 and Tract 2, described in paragraph IV, section 1 above, all of the waters from four springs which four springs arise on the following described four pieces of real estate, and the plaintiff, John Soderman, is hereby decreed all right to said springs:

- 25-0273
- Spring 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T. 5 S., R. 43 E.B.M.
 - Spring 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, T. 5 S., R. 43 E.B.M.
 - Spring 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, T. 5 S., R. 43 E.B.M.
 - Spring 4: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T. 5 S., R. 43 E.B.M.

VI.

That the plaintiffs' water rights as hereinabove decreed include not only irrigation, but right to general agricultural purposes, including stock watering.

JUL 27 2001

Log for claim 25-00270

Spatial Dynamics CAT

11/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s43e	22	SENW	40	42	Included stockwater, on claim
Totals:			40	42	

AJ5809NP
No. A25-00270

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 14

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHYLLIS NUFFER	04/14/1887	IRRIGATION	04-01 11-01	0.750 CFS	
C	TOD NUFFER		STOCKWATER	04-01 11-01	0.050 CFS	
	WAYAN ID 83285					
	(208) 574-2225					
				TOTAL DIVERSION:	0.750 CFS	
				CONSUMPTIVE USE:		100.00 AFA

Water Source: GRAVEL CREEK

Tributary to: GRAYS LAKE

Stage: DECREED

Point(s) of Diversion:

T05S R43E S26

NENWSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05S	43E	22	:																	40.0
																			TOTAL ACRES	40.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
05S	43E	22	:																	

POU County: CARIBOU

Non-Irrigation Uses: STOCKWATER, 200 HEAD RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A25-00271 A25-13418

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

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

Audit: 01/18/90 MOBILE2 03/29/95 POST-STD

JUL 27 2001

#90 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: A25-00270
Date Received: 1/18/1990
Receipt No: M00 5558
Received By: TD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHYLLIS NUFFER 208-574-2225
Address: WAYAN, ID 83285
OR
Name: TOD NUFFER 208-571-2225
Address: WAYAN, ID 83285

2. Date of Priority: APR 14, 1887

3. Source: GRAVEL CREEK Trib. to: GRAY'S LAKE

4. Point of Diversion:

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

5. Description of diverting works:
DITCH FROM CREEK, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.750		
STOCKWATER	04/01	11/01	0.050		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 200 HEAD RANGE CATTLE

A25-00270

Page 1

Date: 01/22/90

A2500270



MICROFILMED
NOV 10 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	43E	22	SE	NW		IRR	40.0
			SE	NW		STOCK	

Section Acres 40.0

Total Acres	40.0
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11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN SODERMAN ET AL
Decree Plaintiff

vs

DR. EVAN KACKLEY ET AL
Decree Defendant

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): Joel L. Nuffer Date: 11/22/90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of January 19 90

Seal

Anthony S. Olmsted
Notary Public

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