

06/03/2004

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

RIGHT NUMBER: 25-2022A

NAME AND ADDRESS: BENJAMIN W HUNTER
720 WILSON AVE
BLACKFOOT ID 83221

SOURCE: SEVENTY CREEK TRIBUTARY: WILLOW CREEK

QUANTITY: 0.400 CFS

PRIORITY DATE: 03/25/1910

POINT OF DIVERSION:
T02S R40E S32 SWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.400 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R40E S32	SESW	19.0
---------------	------	------

19 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: License

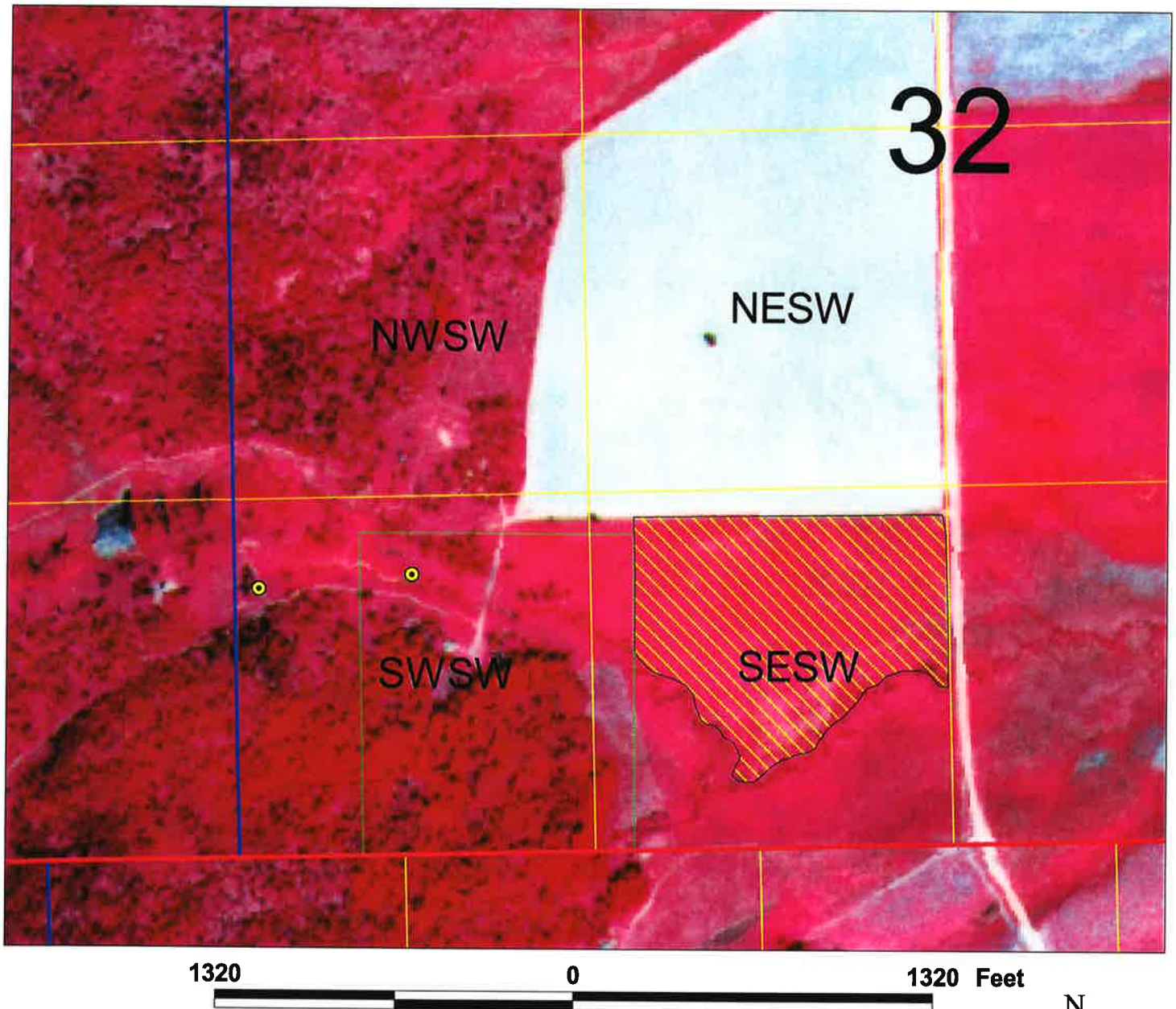


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-02022A



- ⊙ Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ
- Bingham taxlots

SCANNED
AUG 25 2004



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: June 2004

Pigeon Creek Quad USGS 2002

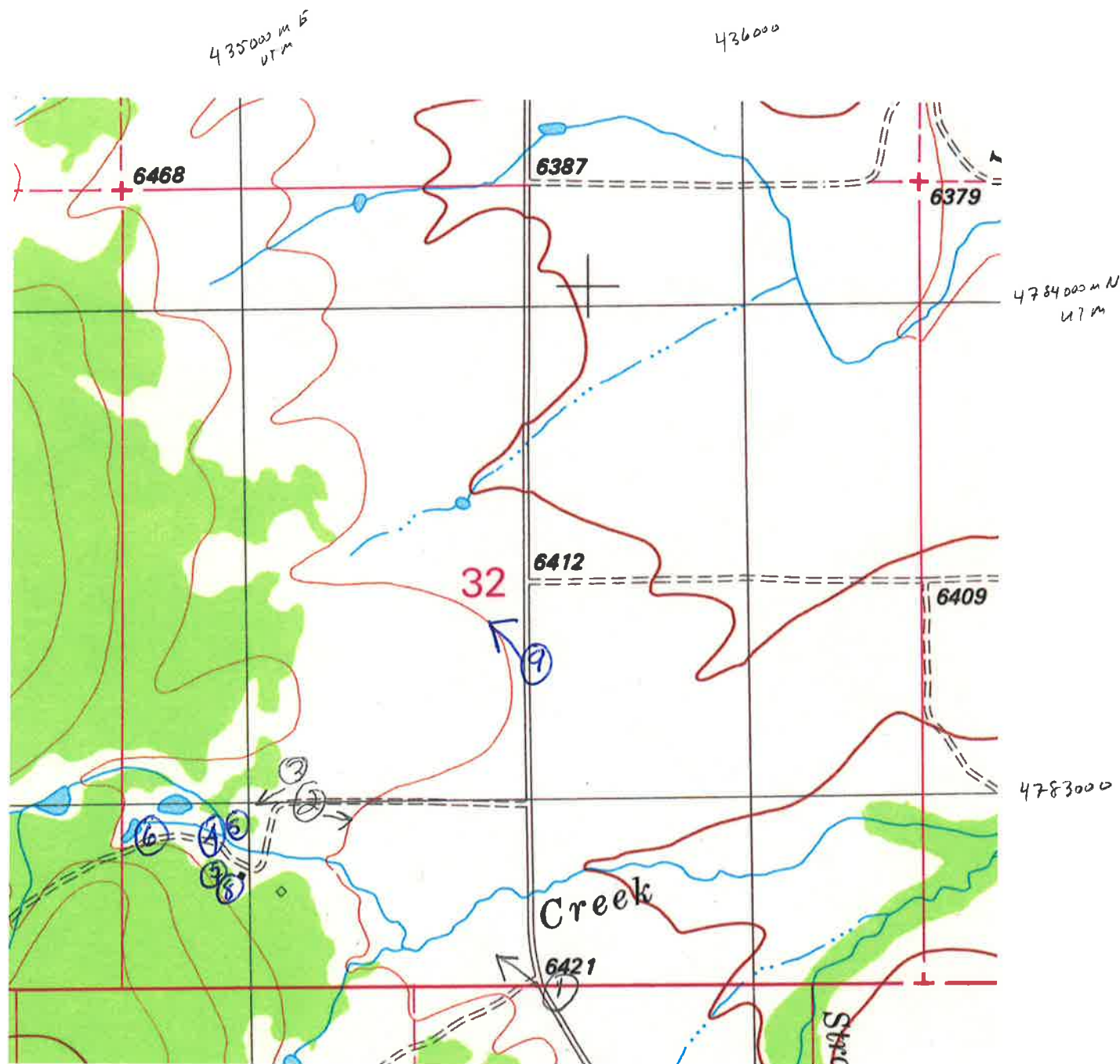
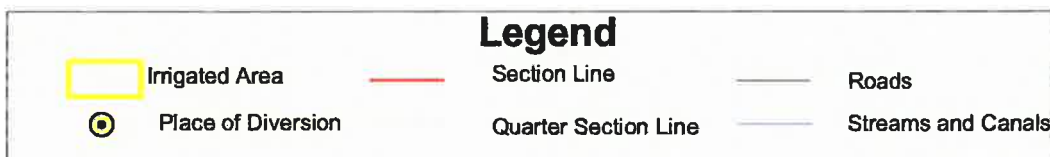
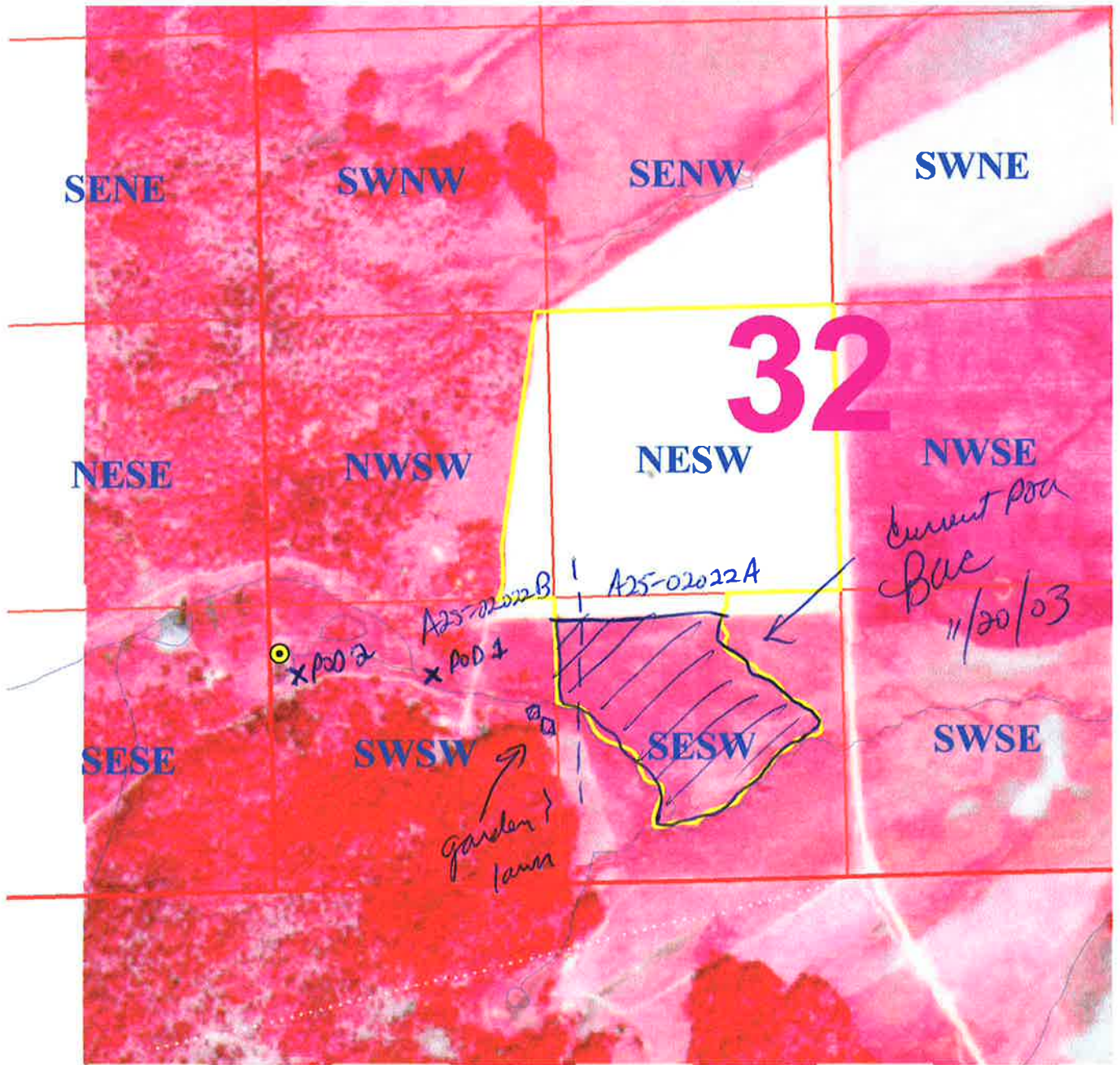


Photo Map A25-02022A / A25-02022B /
A25-02047 11/1/03 bae

Water Resources
Field Services
208 663 4667

Water Right Claim Number 25-02022A
Township , 2S40E

11/20/2000



500 0 500 1000 1500 Feet

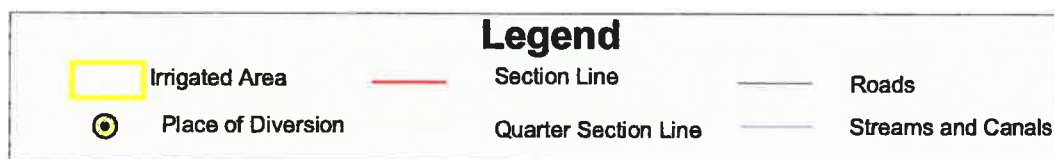
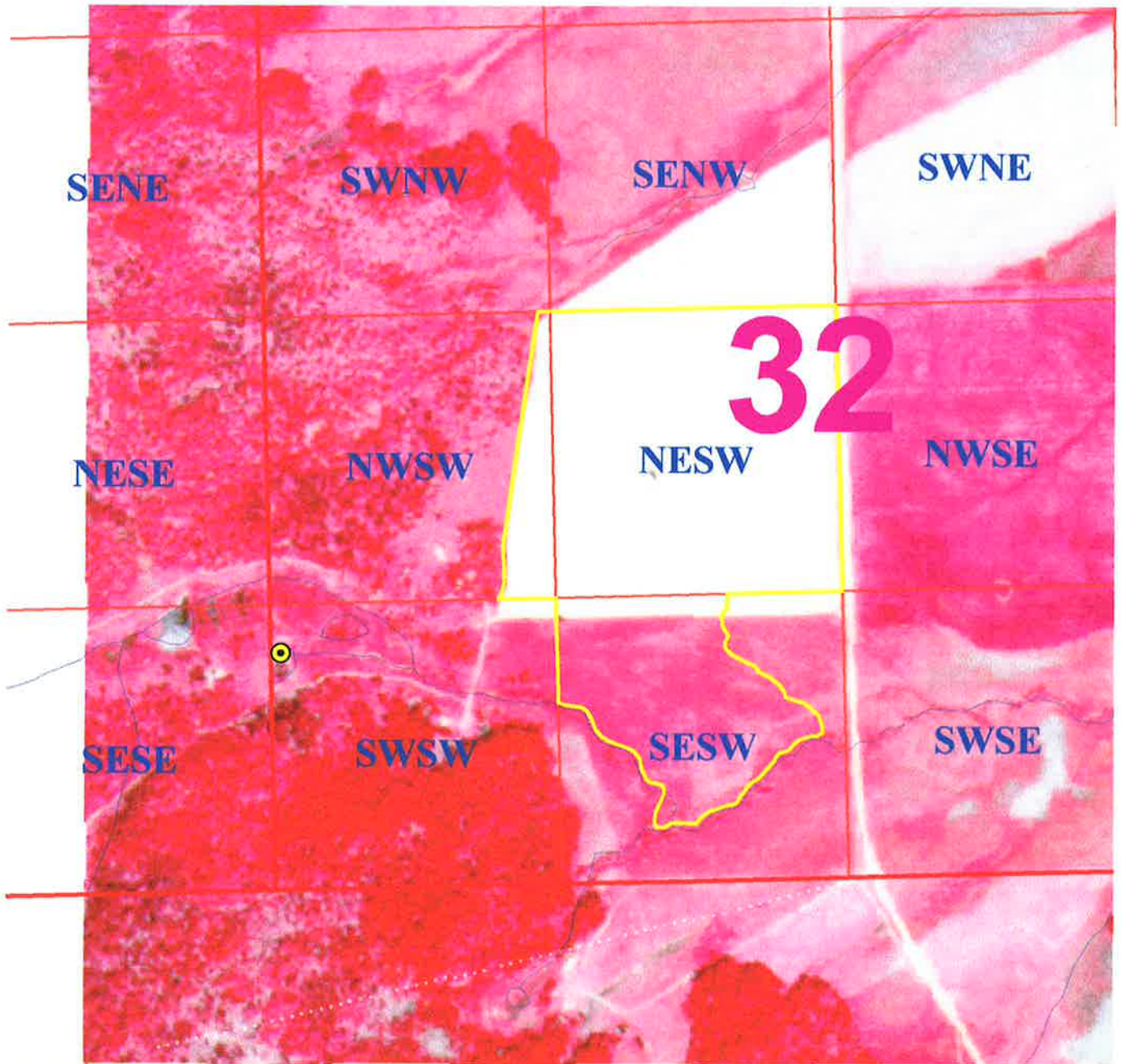


SPATIAL
DYNAMICS



Water Right Claim Number 25-02022A
Township , 2S40E

11/20/2000



500 0 500 1000 1500 Feet

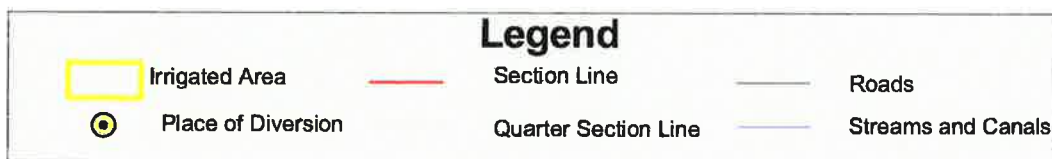
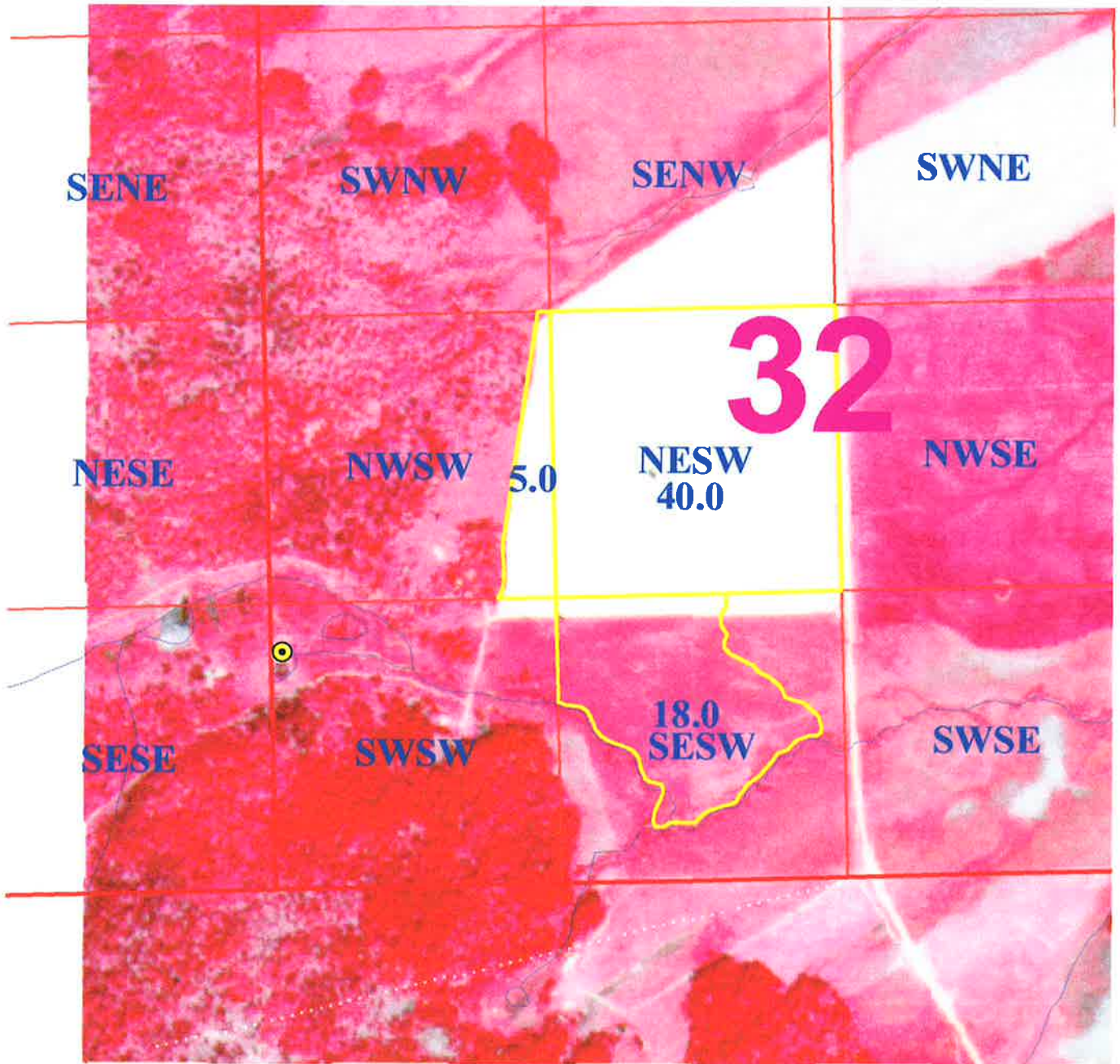


 SPATIAL
DYNAMICS



Water Right Claim Number 25-02022A
Township , 2S40E

11/20/2000



SPATIAL
DYNAMICS



mt

06/04/2004

**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: 25-2022A

BENJAMIN W HUNTER

720 WILSON AVE

BLACKFOOT ID 83221

Telephone Number: (208)785-4560

RECEIVED

OCT 26 2004

Department of Water Resources
Eastern Region

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:

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

DATE:

10/25/04

SIGNATURE:

Ben W. Hunter

Please print your name:

Ben W Hunter

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

PROFILED

SCANNED

OCT 27 2004

Field Exam Summary A25-02022A 20 November 2003
Bryce Contor
Water Resources Field Services

General Comments, A25-02022A, A25-02022B, A25-02047

See image "A25-02022A_A25-02022B_A25-02047_Notes.jpg" for a copy of field notes. The field notes refer to UTM coordinates for GPS readings for scaling on a USGS map, but the reported GPS points are converted to IDTM. See paper file A25-02022A for photos and the map guide to photos. Photos on the CD are identified as "A25-02022A_A25-02022B_X.jpg" where "X" is the photo number or numbers (some are scanned 2 photos per image) or "A25-02022A_A25-02022B_A25-02047_9.jpg" for the last photo.

These rights are related by source, location and ownership. Original licenses A25-02022 and A25-02047 were both from Seventy Creek and served adjoining lands. A25-02022 has been split by an ownership change but the owners of A and B have a family relationship. Benjamin Hunter, the claimant of split "A" is a brother to Mrs. Butler, the claimant of record of split "B." The Butler property is now owned by a partnership of Butler children. I spoke to one of the daughters on the phone and mailed a change of ownership form but I have misplaced my notes. A25-02047 is claimed by Benjamin Hunter, claimant of A25-02022A.

I met with Mr. Dalton, Mr. Passey, one of Mrs. Butler's daughters who I think is Mrs. Passey, and a young man whose name I didn't record. Mr. Dalton said he is Mr. Hunter's son-in-law and Mr. Passey said he is Mrs. Butler's son-in-law. The young man is Mr. Dalton's son-in-law.

The split of ownership appears to be correct. Part of the original POU of license 25-02022 is still in use, and includes parts of A25-02022A and A25-02022B. There has been an accomplished change in source to include some use of a spring that is tributary to the licensed stream, Seventy Creek. This includes an accomplished change in place of use. This is for the irrigation of a lawn and garden that is a few hundred feet from the original place of use.

Part of 25-02022 and all of 25-02047 were served by a ditch which all the individuals confirmed has not been used for many, many years. When they've tried to use it, it generates a wetland and the water never gets past the wetland. Photo 9 shows this part of the POU of 25-02022 and the POU of 25-02047.

Note that the license papers originally supplied are from the wrong license. I have left these in paper file A25-02022A and added the correct microfiche copies from IDWR Eastern Region.

General Comments, A25-02022A

The part of this POU that lies south of the driveway is still irrigated, along with the lawn and garden. See my sketch. Check the legal descriptions in the change of ownership in paper file A25-02022B to see where the break is between A25-02022A and A25-02022B. My sketch is approximate.

Ownership

Appears to be correct.

POD

This right diverts from POD #1 on the sketch, photo # 4. GPS waypoint 84, IDTM 678,697E 235418N.

POU

See sketch on layout. Photos one and two show irrigated portion of POU, photo nine shows the portion that is no longer irrigated.

Overlap

None noted.

POD overlaps w/ A25-02022B

Conflict

None noted.

Priority

Per license.

March 25 1910

Quantity

I propose licensed rate (0.02 cfs/acre) on acreage still irrigated.

Water Use

Irrigation and stockwater. Claimants plan to file separate claims for de minimus stockwater use.

List of Photos

Prints are included in paper file.


Bryce A. Contor


Date

A25-02022A / A25-02022B #1 South Pole
from road SE of Pole. Looking NW



A25-02022A / A25-02022B #2 South Pole
from gate @ bend in driveway on USGS map, looking E.



A25-02022A / A25-02022B #3 ditch from
Creek POD, taken from same location as #2
only looking USW.



A25-02022A / A25-02022B #4 Creek POD



A25-020224 / A25-02022B #5
looking NW ditch from Creek POD

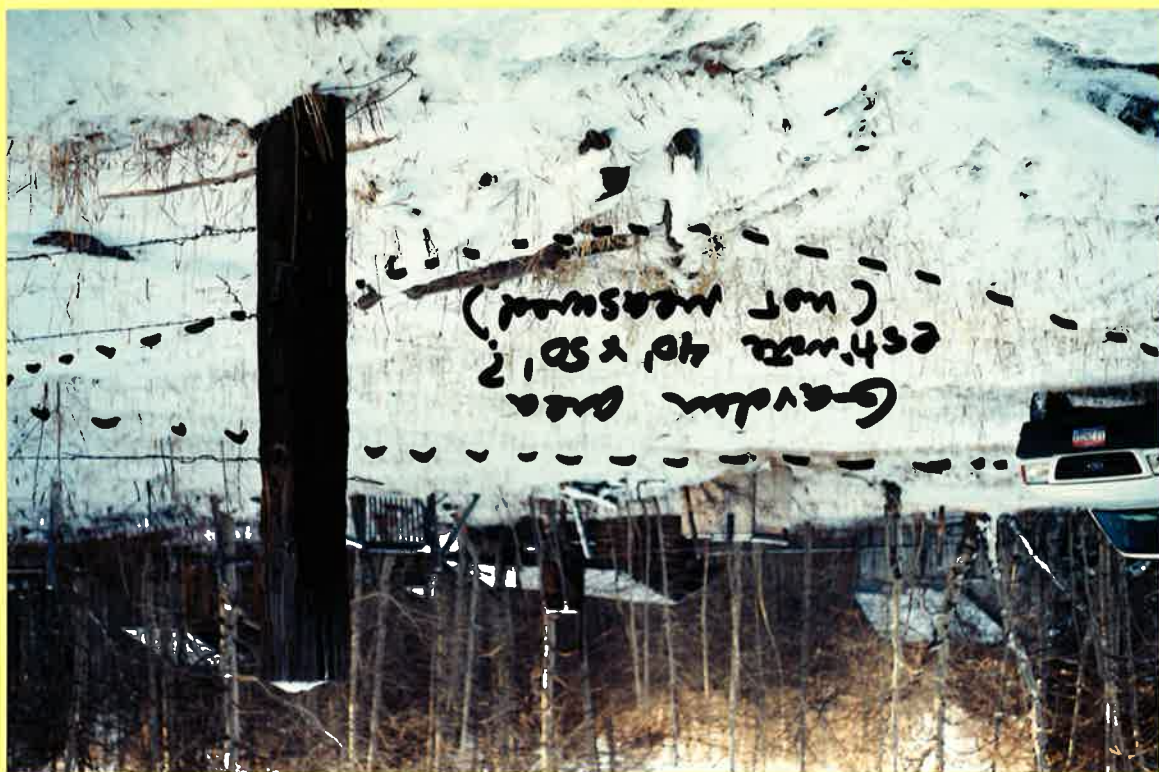


A25-02022B / ~~flow~~ #6 Spring (west) POD





AJS-02022 B #8 lawn pole sent from West (spring) pod



AJS-02022 B #7 Garden pole sent from West (spring) pod

A25-02022A / A25-02047 # 9 Unused (N)
portion of POW looking NW from road at
west edge. Grassy part nearest camera is
A25-02022A, distant part is A25-02047
(sage brush).



Bingham County
Seventy Creek,
1.5 second foot
Irrigation and domestic
priority 3/25/10.

STATE OF IDAHO

Water License No. 5866.

WHEREAS, On the 25th day of March, A. D. 1910, JAMES HUNTER, of Blackfoot, County of Bingham, State of Idaho, duly made application (No. 3506) to me for a permit to use 3 cubic feet per second of the waters of SEVENTY CREEK, County of Bingham, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 25th day of March, A. D. 1910, Permit No. 5866 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 25th day of March, A. D. 1911, and for the application to beneficial use of said water on or before the 25th day of March, A. D. 1912, and,

WHEREAS, On the 19th day of March, A. D. 1911, JAMES HUNTER, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3 cubic feet per second of said water, as evidenced by my Certificate No. 5866, dated June 28th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3 cubic feet per second of water, with date of priority of March 25th, 1910, and,

WHEREAS, On the 5th day of March, A. D. 1912, JAMES HUNTER, the holder of said permit, duly made proof of the application to beneficial use of 1.5 cubic feet per second of said water; NOW, THEREFORE, by virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JAMES HUNTER, of Blackfoot, County of Bingham, State of Idaho, the holder and owner of said Permit No. 5866, a perpetual right, dating from March 25th, 1910, to the use of 1.5 cubic feet per second of the waters of SEVENTY CREEK, in the County of Bingham and State of Idaho, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at a point in the Northwest Corner of the Southwest quarter of the Southwest quarter (SW₁ SW₁), Section 32, Township 2 South, Range 40, East of the Boise Meridian, and accreted to and upon 65 acres, divided as follows: 10 acres in the NW₁ SW₁, 30 acres in the SW₁ SW₁, 5 acres in the SW₁ SW₁, and 20 acres in the SE₁ SW₁, Section 32, Township 2 South, Range 40, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, my hand and the seal of my office at Boise, Idaho, this 19th day of October, A. D. nineteen hundred and twelve.

(SEAL)

A. E. Robinson,
State Engineer.

Source: DWR Microfiche
25-2022

Date: 10/29/03

25-2022

October 24th, 1912.

Re: Permit #5866.

James Hunter,
Blackfoot, Idaho.

Sir:

I am enclosing you herewith your water
license issued under the above numbered
permit.

Very truly yours,

State Engineer.

Sr...

Srs. L.

5866

Source: DWR Manuscripts
25-2022

Date: 10/29/03

REPORT OF ENGINEER

1. State name of applicant and number of permit: James Hunter, Permit 5866.

2. State source of water supply: Seventy Creek.

3. Location of point of diversion: Northwest corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 32, T. 2 S., R. 40 E., S. 4 N.

4. State whether or not the works of diversion are fully completed and in accordance with the terms of permit: Yes.

5. Describe works as they exist, giving dimensions of same as follows:

(a) Width of conduit at bottom: About two feet.

(b) Width at water line: About 2 feet.

(c) Depth of water: Six inches.

(d) Grade per mile: Three feet.

(e) Capacity of ditch: Two and 2/5 cubic feet per second.

6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes. Sixty inches of water have been turned into the works of diversion and distributed over about 60 acres.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each farm here tract: SW $\frac{1}{4}$ Sec. 32, T. 2 S., R. 40 E., S. 4 N. Land has been cultivated for hay. About 10 A. have been irrigated in NW $\frac{1}{4}$ of SW $\frac{1}{4}$; about 30 A. have been irrigated in NE $\frac{1}{4}$ of SW $\frac{1}{4}$; about 5 A. have been irrigated in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and about 20 A. in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Sec. 32.

8. Submit map on enclosed plat, showing source of supply, point of diversion, route of ditch or ditches and cross-hatched lands to be irrigated.

Remarks: Lands cross-hatched on map show lands that have been irrigated to produce increase in growth of hay, and are not plowed. The water is returned to Seventy Creek after flowing over the land.

RECEIVED

NOV 11 1912

STATE OF IOWA
County of Fremont

OFFICE OF STATE ENGINEER

5866

J. A. Mack

Source: DAWR Mifflin
25-2022
Date: 10/29/03

5

SEC Township 2 South Range 40 East 19th SEC

SEC SEC SEC SEC SEC

SEC SEC SEC SEC SEC



SEC
RANGE
TOWNSHIP
STATE

Source: IOWA Microfilm
25-2022

Date: 10/27/03

SCANNED

Log for claim 25-02022A

301
Spatial Dynamics CAT

11/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s40e	32	NESW	40	40	
02s40e	32	NWSW	3	5	
02s40e	32	SESW	19	18	
Totals:			62	63	

AJ5809NP
No. A25-02022A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 21

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BENJAMIN W HUNTER 720 WILSON AVE BLACKFOOT ID 83221 (208) 785-4560	03/25/1910	IRRIGATION	04-01 11-01	1.240 CFS	
TOTAL DIVERSION:					1.240 CFS	
CONSUMPTIVE USE:						155.00 AFA

Water Source: SEVENTY CREEK

Tributary to: WILLOW CREEK

Stage: LICENSE

Point(s) of Diversion:

T02S R40E S32

SWS

BINGHAM 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
02S	40E	32	:											40	03	19				:	62.0
TOTAL ACRES																				62.0	

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: A25-002047 FROM SAME POINT OF DIVERSION ON ADJACENT GROUND

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-12275 A25-02022B A25-02047 A25-12275

Other Water Rights Listing Overlapping Place(s) of Use:
A25-02022 A25-02022B

Remarks: GEN NOTICE IS RESULT IN CHANGE OF OWNERSHIP FOR A PORTION OF
A25-02022, PAID FOR UNDER E006877. ESV 2/26/91

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:
Presumption Flag:

Audit: 02/27/91 VERNER 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

FEBRUARY 27, 1991

VIOLET P BUTLER
6489 E 1ST STREET
IDAHO FALLS ID 83401

RE: CHANGE IN OWNERSHIP

Dear Ms. Butler:

Your request for Change in Ownership concerning Notices of Claim A25-02022 and A25-12275, has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Printed Notices of Claim

File: P

cc: A25-02022A to Benjamin W. Hunter/Letter
A25-12275

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NOV 10 1992

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): Ken W Hunter

Date: 2/26/91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2-26-91 By: ESW

Further Action Needed:

Further Action Taken NONE

Date: By:

Final Review and Data-Entry

Date: 2-26-91 By: ESW

Claim Numbers of Split, if any:

A34-02022 A - 62 ACRES, 1.24 cfs - HUNTER
A34-02022 B - 3 ACRES, 0.06 cfs - BUTLER

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

SCANNED

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

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: A25-02022A
Date Received: 4/17/1989
Receipt No: X777777
Received By: EV

~~COPY FOR~~
~~YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR~~
~~YOUR FILES~~

1. Name: BENJAMIN W. HUNTER 208-785-4560
Address: 720 WILSON AVE
BLACKFOOT, ID 83221

2. Date of Priority: MAR 25, 1910

3. Source: SEVENTY CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	40E	32	SW	SW	SW		BINGHAM

5. Description of diverting works:
DITCH FROM CREEK TO 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	1.240		

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

8. Total consumptive use is 155.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	40E	32	NE	SW		IRR	40.0
			NW	SW		IRR	3.0
			SE	SW		IRR	19.0

A25-02022A

Page 1

Date: 02/26/91

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NOV 10 1992

A2502022A



10. Place of Use: Continued

Section Acres 62.0

Total Acres 62.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

A25-002047 FROM SAME POINT OF DIVERSION ON ADJACENT GROUND

14. Remarks:

NOTICE IS RESULT IN CHANGE OF OWNERSHIP FOR A PORTION OF
A25-02022, PAID FOR UNDER E006877. ESV 2/26/91

15. Basis of Claim: LICENSE

Water Right Number: 252022

A25-02022A

3029
3132

T25

T-137
H. 36.1

5

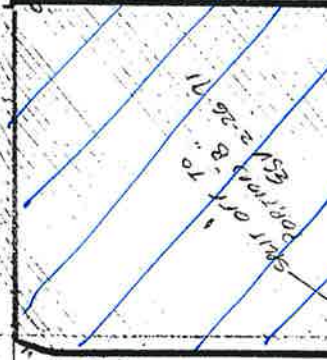
100 x 520' = 9.1
11.1 x 140

62.6

4.9
116.1

AC

116.1
116.5
0293
636



87.5

100

3132
615

R40E

5/4

32

MICROFILMED
NOV 14 1992