

11/25/2003

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

RIGHT NUMBER: 25-2063

NAME AND ADDRESS: ELKINGTON BROTHERS
5080 E SUNNYSIDE RD
IDAHO FALLS ID 83401

SOURCE: SQUAW CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 1.900 CFS

USE OF THIS RIGHT WITH RIGHT NO. 25-04107 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.28 CFS.

PRIORITY DATE: 02/23/1916

POINT OF DIVERSION:

T01S R40E S5 SWSE Rediversion Within BONNEVILLE County

T01S R40E S7 SESWNE Within BONNEVILLE County

T01S R40E S8 SWNW Rediversion Within BONNEVILLE County

without a diversion.
This right authorizes the watering of livestock directly from the stream

2 POINTS OF DIVERSION LOCATED IN T1 S, R40 E, S 8, SWNW.

above. Right 25-04107 is also diverted through the point(s) of diversion described

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.900 CFS
STOCKWATER	04/15 10/31	0.020 CFS

Stockwater use is for 500 range cattle.

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01S R40E S05	SESW	9.6	T01S R40E S05	NESE	7.2
T01S R40E S05	NWSE	7.5	T01S R40E S05	SWSE	36.0
T01S R40E S05	SESE	16.0	T01S R40E S08	NENE	12.0
T01S R40E S08	NWNE	36.0	T01S R40E S08	NENW	19.0
T01S R40E S08	NWNW	14.0	T01S R40E S08	SWNW	5.5

STOCKWATER same as IRRIGATION

162.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 25-04107 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 162.8 ACRES IN A SINGLE
IRRIGATION SEASON.

This right is limited to the irrigation of 120 acres within the place of use
described above 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(6), Idaho
Code.

EXPLANATORY MATERIAL: License

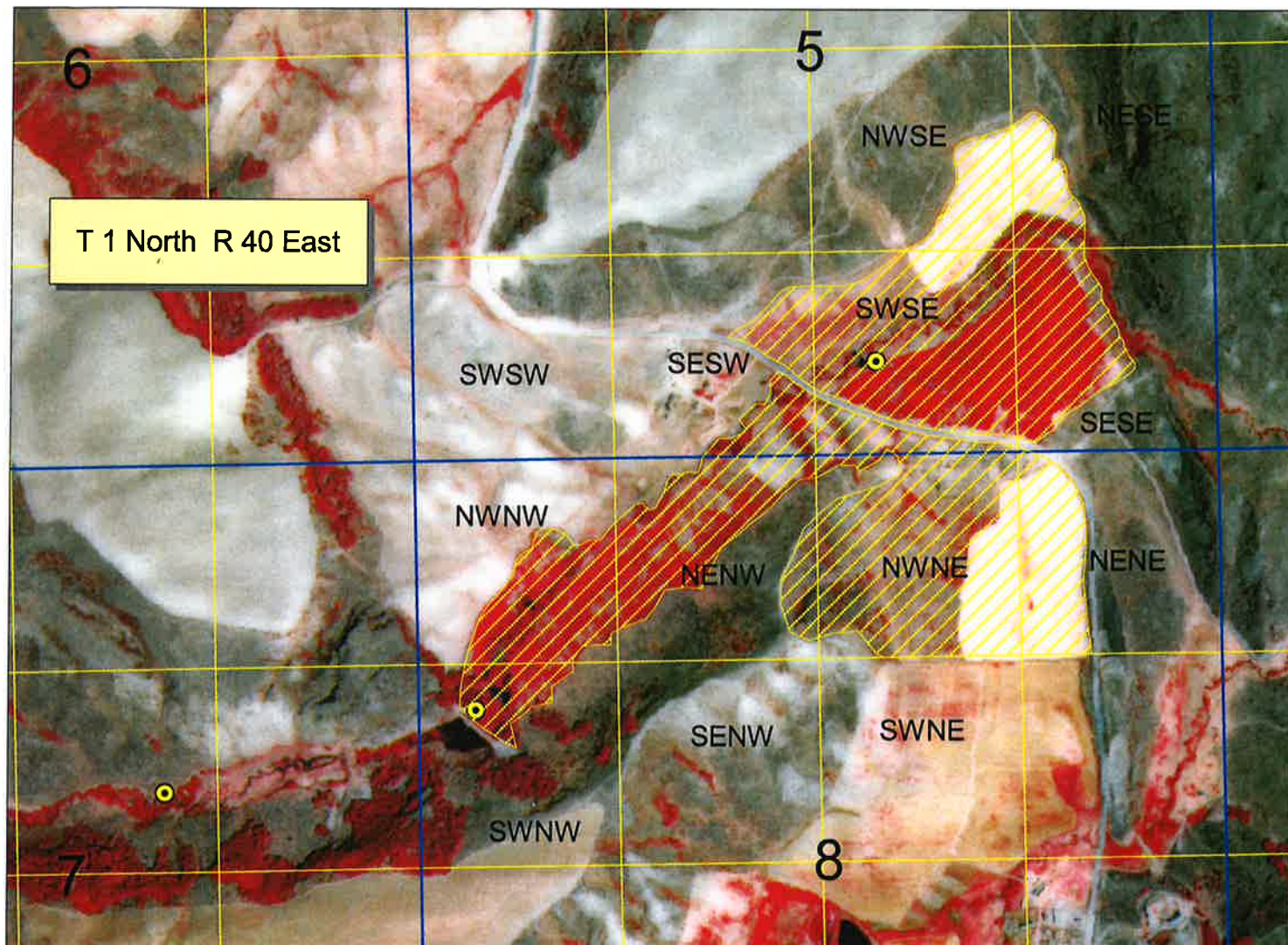


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-02063



1320 0 1320 Feet

SCANNED
AUG 11 2004

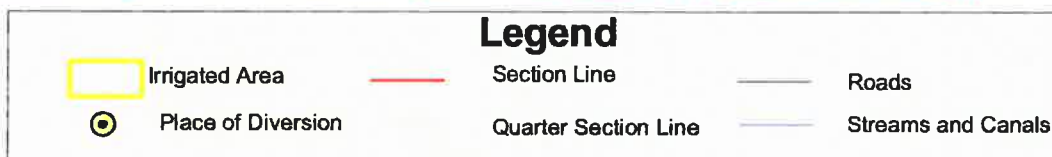
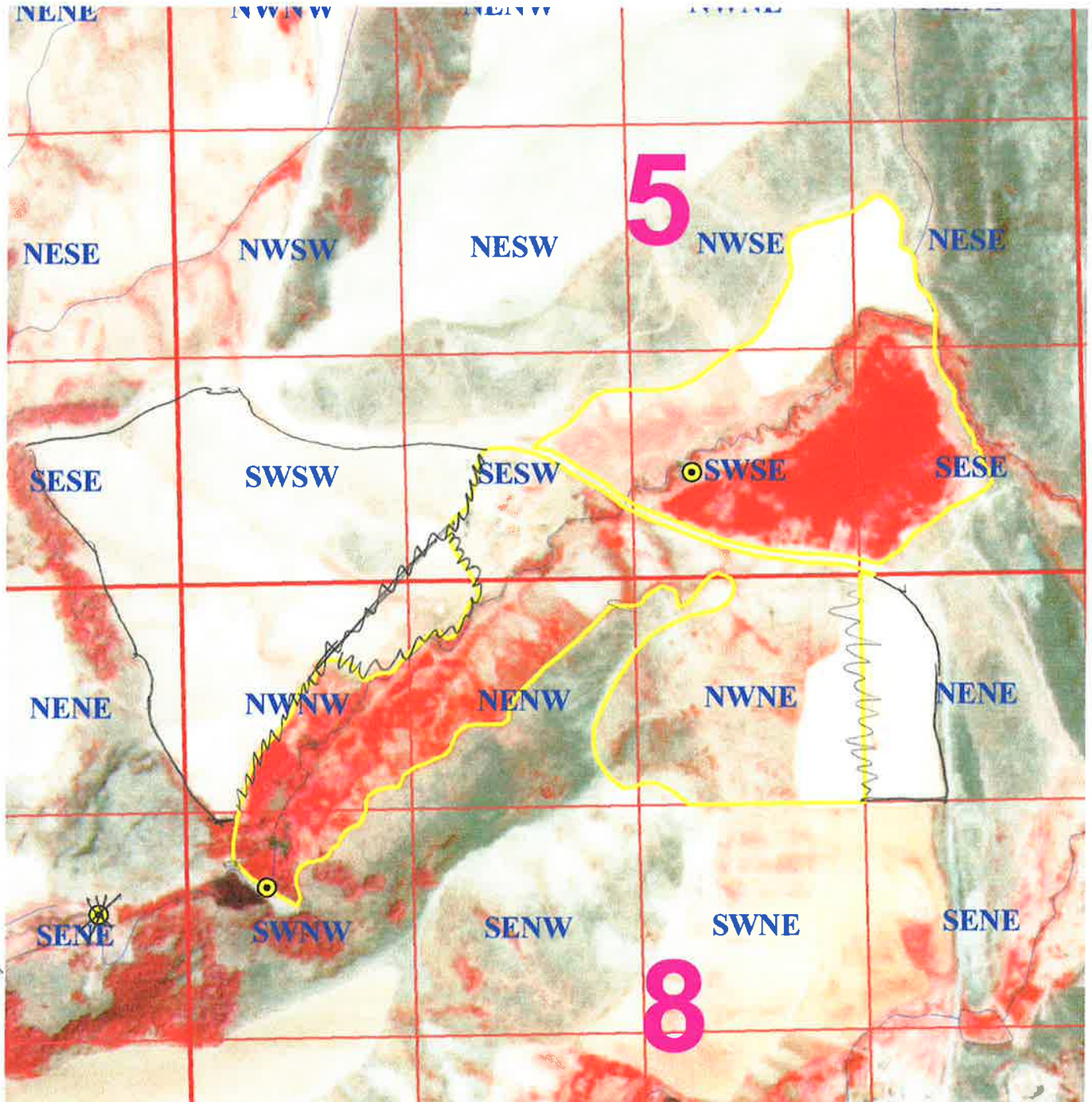


- 25-04107poly.shp
- Point of Diversion
- Section
- Quarter Quarter

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

Water Right Claim Number 25-02063
Township , 1S40E

11/15/2000



SPATIAL
DYNAMICS



- Record 90 AFA storage - according to Lewis

GPS008 - p.c #6
009
7

10 - 849 goes around on side of hill
11 - lower Pops ditch
12 - lower diversion - old dam

13 - " " - other side

Call this winter for ~~the~~ Date of Priority

Say that they have traditionally stayed more over than they claimed
- what they might be winter dependant - sometimes there just isn't the water

Looking for an earlier priority date for 25-4407

PODs Saved as Ellington.shp

Z:\chris\ellison\review\data\ellington.shp

SCANNED

JUL 27 2001

Log for claim 25-02063

Spatial Dynamics CAT

11/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01s40e	5	SESW	16	19	
01s40e	5	NESE	5	7.2	
01s40e	5	NWSE	5	7.5	
01s40e	5	SWSE	31	36	
01s40e	5	SESE	14	16	
01s40e	8	NWNE	15	37	INDISCIERNIBLE
01s40e	8	NENW	16	19	
01s40e	8	NWNW	12	14	
01s40e	8	SWNW	6	5.5	
Totals:			120	161.2	

AJ5809NP
No. A25-02063

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 27

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELKINGTON BROTHERS 5080 E SUNNYSIDE RD IDAHO FALLS ID 83401 (208) 523-2286	02/23/1916	IRRIGATION	04-01 11-01	1.900 CFS	
TOTAL DIVERSION:					1.900 CFS	
CONSUMPTIVE USE:						405.00 AFA

Water Source: SQUAW CREEK

Tributary to: WILLOW CREEK

Stage: LICENSE

Point(s) of Diversion:	T01S R40E S07	SENE
Point(s) of Re-diversion:	T01S R40E S05	SWSE
	S08	SWNW

BONNEVILLE County
BONNEVILLE County
BONNEVILLE 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					
01S	40E	5	:								:					16	:	05	05	31	14	:	71.0	
01S	40E	8	:			15					:	16	12	06								:	49.0	
																				TOTAL ACRES				120.0

POU County: BONNEVILLE

Non-Irrigation Uses: S/ 500 RANGE.

Other Rights: A25-04107

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-04107

Other Water Rights Listing Overlapping Place(s) of Use:
A25-04107

Remarks: GEN STORAGE WATER IS RELEASED BACK INTO CREEK CHANNEL AND THEN
REDIVERTED AT A REGULATING DAM IN THE SWNW SECTION 8 THRU TWO
DITCH. WATER RELEASED PASS THE REGULATING DAM IS ALSO DIVERTED
BY PUMP IN THE SWSE SECTION 5.

Dates: Exam Made Date: Verified Date: 04/08/1985 Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag: Y
Presumption Flag:

Audit: 09/11/89 CARLSEN 03/29/95 POST-STD

State of Idaho
License and Certificate of Water Right

Water License No. 12008

Amount 1.9 sec. ft.

Water District No. 16

Priority 2/23/16

THIS IS TO CERTIFY that **JULIUS BOHN** of **Ozone, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **February 23**, 19 **16**; that Permit No. 12008 was issued under said application; that Certificate of Completion of works, with a carrying capacity of **1.9** second feet, was issued thereunder on **October 17**, 19 **16**, showing that said works were completed on the **4th** day of **October**, 19 **16**; and that on the **9th** day of **March**, 19 **18**,

JULIUS BOHN,

of **Ozone**, State of **Idaho**, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of **Squaw Creek**, a tributary of **Willow Creek**, for the purpose of **Irrigation & Domestic use**, under Use Permit No. **12008** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the **Commissioner of Reclamation** of Idaho and entered of record in Volume **6** of Licenses, at page **2704**, on the **24th** day of **November**, 19 **20**;

The right hereby confirmed dates from **February 23**, 19 **16**;

The Point of Diversion is located **1000 ft. dist from $\frac{1}{2}$ Cor. of Secs. 7 & 8 and is** in the **NE $\frac{1}{4}$, Sec. 7**, T₁S. **40 N.**, R. **40 E.**, **B. M.** **County of Bonneville**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **1.9** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	40 N.	8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	30
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	15	30
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	20	30
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the **Commissioner of Reclamation**, affixed at Boise, Idaho, this **24th** day of **November**, 19 **20**

W. G. FORDEN,
Commissioner of Reclamation
By **S. T. Bear,**
Deputy.

(SEAL)

25 2023

Application No. 7287.
Permit No. 12008

APPLICATION FOR PERMIT 25-2063

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

District No. 16.

1. Name of applicant: Julius Bohn

Postoffice address: Ozone

County Bonneville

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 1.9 cubic feet per second.

3. Source of water supply: Squaw Creek, which is a tributary of _____.

4. Location of point of diversion: 1000 feet distant from the quarter corner of Section 7 & 8, T. 1, R. 40 E.B.M. and is in the Northeast Quarter of Section 7, T. 1 S., R. 40 E.B.M. County of Bonneville, State of Idaho

5. To be used for: Irrigation and domestic use.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 65 acres.

(b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$250.00

7. Description of works for diversion:

I. Kind of works: Small reservoir and two small ditches.

II. Dimensions of works:

(a) Height of dam 10 feet, length of dam at top 115 feet,
length of dam at bottom 59 feet. Material used in construction: Earth

(b) Capacity of reservoir acres feet. (c) Size of headgate, width 1.5 feet,

Height 2 feet. (d) ~~Quadrant~~ Ditch: width at bottom 1 feet,

width at water line 2.4 feet, depth of water 0.5 feet; diameter of pipe

inches; average grade per mile is 5 feet. Length of each conduit is five miles,
and it crosses the following quarter sections:

8. The time required for the completion of the construction of such work is now completed years.

9. Time required for the complete application of the water to the proposed use is one year additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Julius Bohn

Applicant.

By Kenneth S. MacKenzie

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. February 23, 1916.

Returned to applicant for correction February 24, 1916.

Corrected application received March 11, 1916.

APPROVAL OF STATE ENGINEER

The number of this permit is 12008

Recorded in Book 41 Page 12008 Approved April 6, 1916.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____
 Work to begin on or before June 5, 1916, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 6, 1916,

The whole of said work to be completed on or before October 6, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before October 6, 1917.

Witness my hand this 6th day of April, 1916.

J.H. Smith.

State Engineer.

Remarks: 14. The land to be irrigated is described in the following tabulation:

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals.
1S.	40	8	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	95
35-15-20-25							
Total Number of Acres to be Irrigated							95

This is all government land at the time of entry.

See remarks in application of Martha Bohn. They apply here.

Proof of completion of works made October 4, 1916.
 Certificate issued October 17, 1916.

Permit No. 12008

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that Julius Bohn of Ozone, County of Bonneville, and State of Idaho, the holder of Permit No. 12008, issued upon Application No. 17287, bearing date of priority of February 23, 1916, authorizing the diversion of 1.9 second feet of the waters of Squaw Creek, County of Bonneville, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.9 second feet of the waters of Squaw Creek; that the point of diversion of said waters is in the NE $\frac{1}{4}$ of Sec. 7, T. 1 S. R. 40 E., B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The Northwest quarter (NW $\frac{1}{4}$), Section 8, Township 1 South, Range 40 East of Boise Meridian.

Witness my hand this 17th day of October, A.D. 1916.

J.H. SMITH

State Engineer of the State of Idaho.

License issued for 1.9 second feet
 Page 1704

REPORT OF ENGINEER

This proof is for beneficial use

In Water District No. 16

1. State name of applicant and number of permit: Julius Bohn. Permit: 12008
2. State source of water supply: Squaw creek. Bohn Reservoir.
3. Location of point of diversion: 1000 ft. dist. from the 1/4 cor. of Sec's. 7-8
T. 1 S., R. 40 E. B. M.
4. Describe works as they exist, giving dimensions and capacities of same:
 - Earth dam, 7' H. 50' L. Cap. 60 A.F.
 - 6" wood pipe out-let.
 - Ditch, 1'B. 1'D. Cap. 1.6 S.F.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
NW 1/4, Sec. 8, T. 1 S., R. 40 E. B. M.
30 A. in each 40 in cultivation.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? Two.
9. Give names and amount of each right: Property is owned by J.G. Hansen and
V.P. Hansen, Ozone, Idaho.
10. What large stream would the water here appropriated finally reach? Snake River.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
From land to Squaw Creek, to Willow Creek, to Snake River.

Remarks:

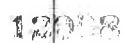
This examination was made on the 9 th day of July 19 20.

(Signed)

L. R. Annett.
L. R. Annett.

Examiner.

12008



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: A25-02063
Date Received: 9/11/1989
Receipt No: E010211
Received By: EMC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELKINGTON BROTHERS 208-523-2286
Address: 5080 E. SUNNYSIDE RD.
IDAHO FALLS, ID 83401

2. Date of Priority: FEB 23, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	40E	5	SW	SE		R	BONNEVILLE
		7	SE	NE			BONNEVILLE
		8	SW	NW		R	BONNEVILLE

5. Description of diverting works:
DAM, DITCHES, AND PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.900		

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

8. Total consumptive use is 405.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 500 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	40E	5	SE	SW		IRR	16.0

A25-02063

Page 1

Date: 09/11/89

MICROFILMED
NOV 10 1992

A2502063



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	40E	5	NE	SE		IRR	5.0
			NW	SE		IRR	5.0
			SW	SE		IRR	31.0
			SE	SE		IRR	14.0
						Section Acres	71.0
		8	NW	NE		IRR	15.0
			NE	NW		IRR	16.0
			NW	NW		IRR	12.0
			SW	NW		IRR	6.0
						Section Acres	49.0
						Total Acres	120.0

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:
A25-04107

14. Remarks:

STORAGE WATER IS RELEASED BACK INTO CREEK CHANNEL AND THEN REDIVERTED AT A REGULATING DAM IN THE SWNW SECTION 8 THRU TWO DITCH. WATER RELEASED PASS THE REGULATING DAM IS ALSO DIVERTED BY PUMP IN THE SWSE SECTION 5.

15. Basis of Claim: LICENSE
Water Right Number: 12008

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Partner of
Whington Bros Title
Organization, that I have signed the foregoing
document in the space below as Partner of
Whington Bros Title
Organization and that the statements contained in the
foregoing document are true and correct.

Keith Whington
Signature of Authorized Agent

Partner
Title and Organization

9/11/89

Date

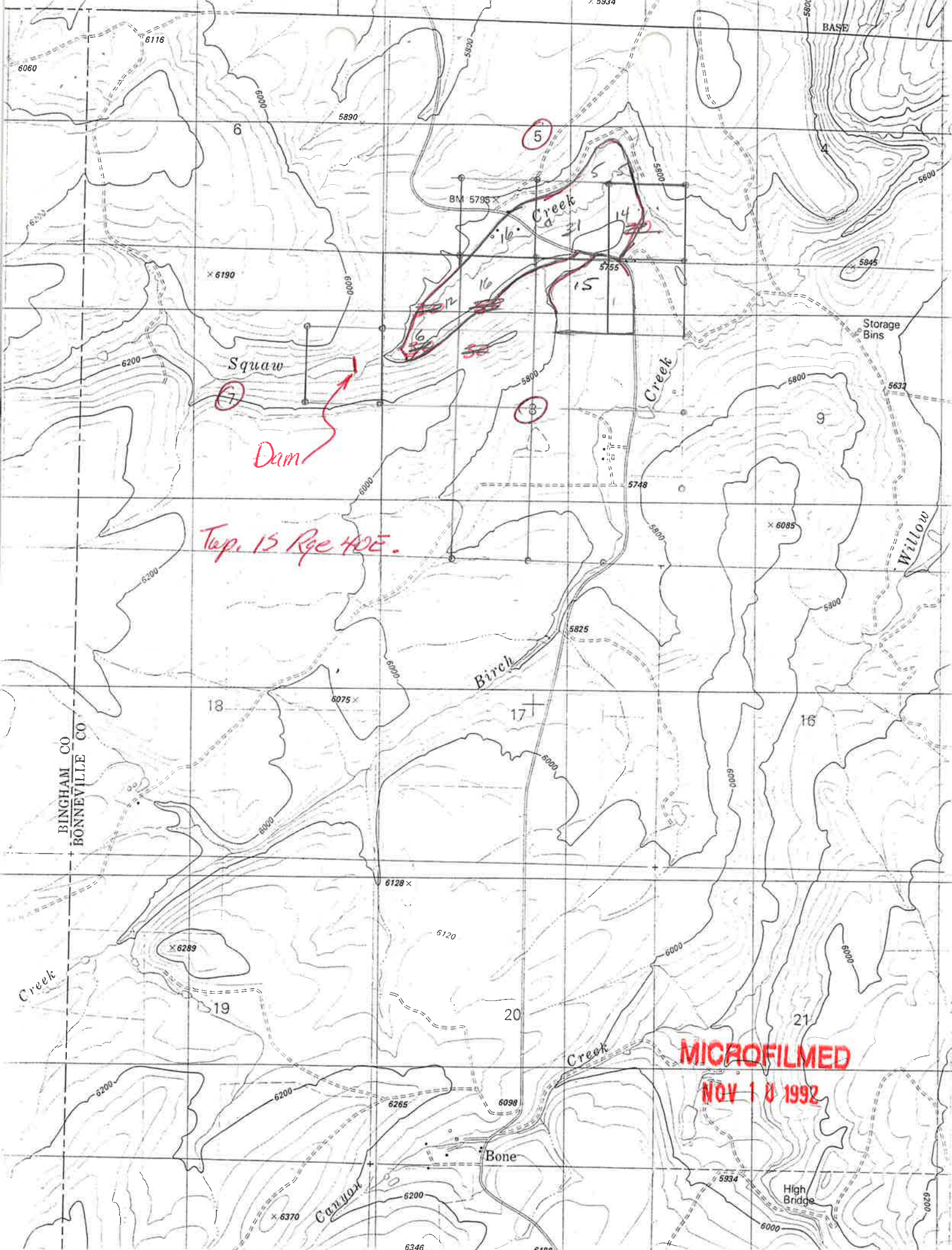
State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of Sept 19 89.

Ernest Carlsen
Notary Public



Residing at Alabo Falls, ID
My Commission Expires 6-14-1994



MICROFILMED

NOV 10 1992