

08/13/2004

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

RIGHT NUMBER: 25-56F
NAME AND ADDRESS: MAX COOPER
11801 N FERGUSON RD
IDAHO FALLS ID 83401

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.870 CFS

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T03N R39E S19 SWSWNE Within BONNEVILLE County
Water diverted under this right is exchanged with water diverted from the Snake River via the Anderson Canal in the T03N R41E S05 NWSWSW. Water diverted under this right is used within the service area of the Progressive Irrigation District.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.870 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R39E S11	NESW	37.0	T03N R39E S11	NWSW	31.0
T03N R39E S11	SESW	40.0			

108 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: BASIS OF CLAIM - Decreed

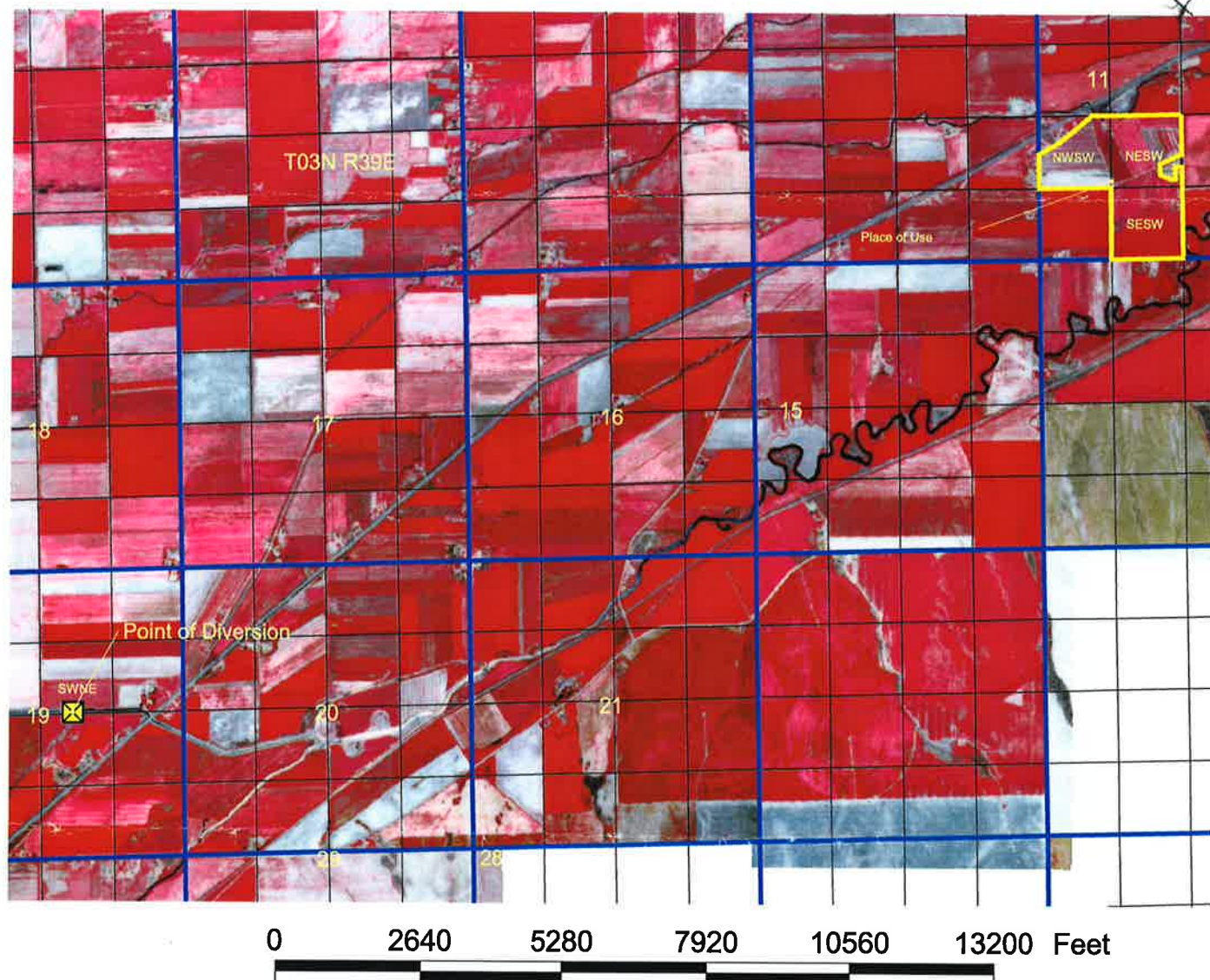
PROFILED

SCANNED

OCT 01 2004

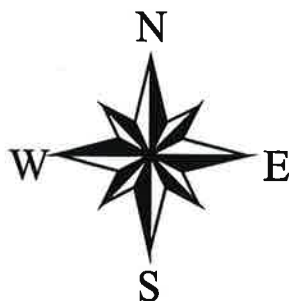
DEPARTMENT OF WATER RESOURCES

Claim No.: 25-56F



PROFILED

- ☒ Point of diversion.shp
- ☐ Place of use.shp
- ☐ Sections
- ☐ QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

SCANNED

OCT 01 2004

MH

08/13/2004 RECEIVED

SEP 29 2004

NOTICE OF ERROR
REPLYDepartment 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: 25-56F

MAX COOPER
11801 N FERGUSON RD
IDAHO FALLS ID 83401
Telephone Number: (208)522-4583

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

Point of Revision is not right. + We have used water for 100 years every year.

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

We have used Willow Creek water for over 100 years some years like this one, Willow Creek is all we have in the fall.

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

*I don't know where they get their info from I can prove we have used the water.
You can not farm without water*

Don't
I ~~agree~~ with this proposed recommendation: *some* changes need to be made.

DATE: *Sept 21-04* SIGNATURE: *Max Cooper*Please print your name: *MAX Cooper*

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

PROFILE

SCANNED

OCT 01 2004

October 14, 2004

MAX COOPER
11801 N FERGUSON RD
IDAHO FALLS ID 83401

Dear Mr. Cooper,

We recently received your notice of error reply for adjudication claim nos. 25-56F and 25-167. Based on your response, I believe that you may have misunderstood our recommendation for 25-56F. Except for the point of diversion, we recommended this water right almost exactly the way it was claimed (1.87 cfs with a priority date of 4/1/1874). We recommended Progressive's Willow Creek diversion as the point of diversion because 25-56F is delivered at that point in exchange for water from the Anderson Canal. Claim no. 25-56F was not recommended for disallowal.

As for claim no. 25-167, a representative of Progressive Irrigation District stated that you have not been billed for the delivery of any water right with a priority date of 1888. Unless you can provide evidence that this right has been delivered, we will not alter our recommendation of disallowal of claim no. 25-167.

Please contact me at 525-7161 if you have questions.

Sincerely,

Michael Holliday
Water Resource Agent
Adjudication Bureau

SCANNED

DEC 01 2004

PROFILED

PROGRESSIVE IRRIGATION DISTRICT

Bonneville and Jefferson Counties, Idaho
OFFICE OF THE SECRETARY AND SHOP HEADQUARTERS

2585 North Ammon Road
Idaho Falls, Idaho 83401-1949

Phone/Fax: (208) 522-3102

E-mail: pid@ida.net

Web Site Address: www.ida.net/users/pid

Board of Directors: Dale Rockwood, Travis Johnson and Ray Sutter

September 14, 2004

Idaho Department of Water Resources
Attn: Ernest Carlsen
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Delivery of Willow Creek Water Rights
for Stanley and Bertha Cooper

Dear Mr. Carlsen:

We deliver Willow Creek water through our Anderson Canal for Stanley and Bertha Cooper, their assigns and/or heirs, water right number A25-12466, with a priority date of April 1, 1874, for a total of 1.87 c.f.s. We have delivered this water right each irrigation season since approximately 1978.

If you need further information, please feel free to contact us.

Sincerely,



Dale Rockwood
President of the Board of Directors

DR/lc

PROFILED

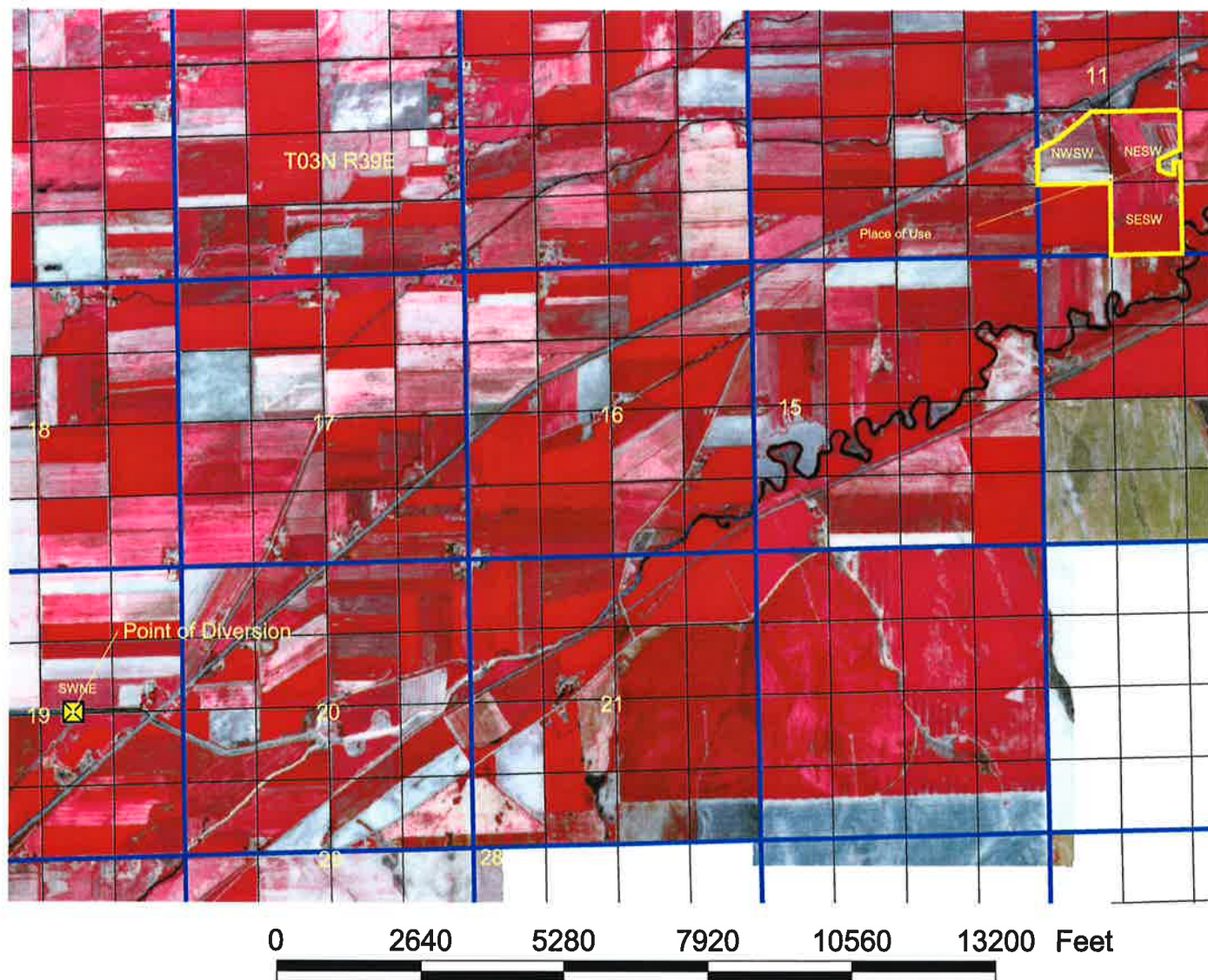
SCANNED

OCT 01 2004

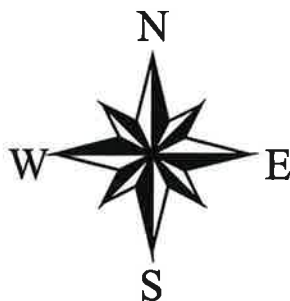
DEPARTMENT OF WATER RESOURCES

Claim No.: 25-56F

PROFILED



-  Point of diversion.shp
-  Place of use.shp
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

PROFILED

Waypoint 56F

E 908, 806 F
N 139, 088

GPS 676, 806 F

Headgate

SEP 22 2004

SCANNED

Water Resources
Field Services
208 663 4667

A25-00056F/A25-00167 Summary 9/18/03

- 1) Ownership is correct.
- 2) POO is "Gate 6 on the Anderson Canal."
This is an exchange w/ Progressive Irrigation, owner will mail copy of exchange to Michael H. See A25-00056D for similar exchange agreement. Progressive delivers Snake River water to claimant via Anderson, uses Willow Creek water to deliver to other Progressive users. Claimed POO appears to be Snake River POO of Anderson Canal, I did not go clear up to that location but GPS'd the headgate which is in 3N 39E 12 SW SE NE.
I recommend conferring w/ legal staff regarding proper description given the exchange.
- 3) POO is correct, see notes on layout.
- 4) Overlap: I forgot to ask but I believe there may be an Enterprise overlap. Ditch carries Enterprise? Progressive water to other users also.
- 5) Contested Claim: On the phone claimant

PROFILE

A25-00056 F / A25-00167 Summary 9/18/03 p 2

challenged validity of A25-000560 but during the interview acknowledged Bolinders have Willow Creek Water. I recommend careful review of split history.

6) Photos. 1 of headgate on Anderson canal,
2 of POU.

Bryce A. Conton

Water Resources
Field Services
208 663 4667

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SEP 22 2004

A25-00056F / A25-00167

- 1) POD is Gate 6 on the Anderson
 - carries willow creek (exchange)
 - carries enterprise & Progressive water
 - Moore, Harold Jones (Durtschi)
Wally Reed, Cooper on this ditch.
Debbie Hill uses ditch for 14" Enterprise
water.
- 2) GPS 676806E 280631N Waypoint 56F
- 3) John Moore lives on Shelton Cemetery
Road, has Willow Cr. Water.
Jones has an early Willow Cr. Right
+ later right.
- 4) Photos- 1 of POD, 2 of POA

A25-00056F Contact log

9/11/03 4:38 522-4583 - NOON

Mr. Cooper -

Maybe some conflict w/ Bolinder

Moore }
Dartschi } should be only early
Egan } Willow Co. rights
Lurcker }

11801 N Ferguson - cellar at end of lane
turn S. Buildings are all red.
Red shop -

Water is taken from Anderson Canal as
exchange w/ Progressive - bar agreement
w/ Progressive for exchange, pays delivery
charge. Claimant will mail copy
to Michael H.

SCANNED

SEP 22 2004

PROFILED

August 18, 2003

Max Cooper
11801 N Ferguson Rd
Idaho Falls, ID 83401

Re: Water Right Adjudication Claim(s) A25-00056F, A25-00167

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

The main purpose of this visit is to locate and photograph the headgate(s), ditches, and irrigated lands.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

PROFILED
SCANNED

SEP 22 2004

SCANNED

JUL 25 2001

Log for claim 25-00056F

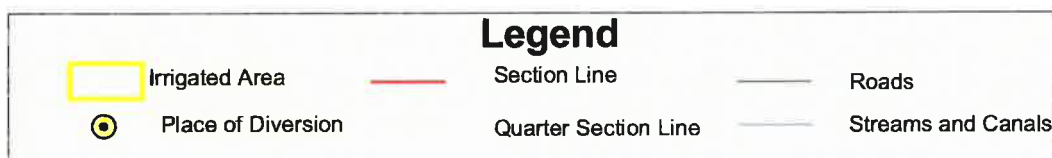
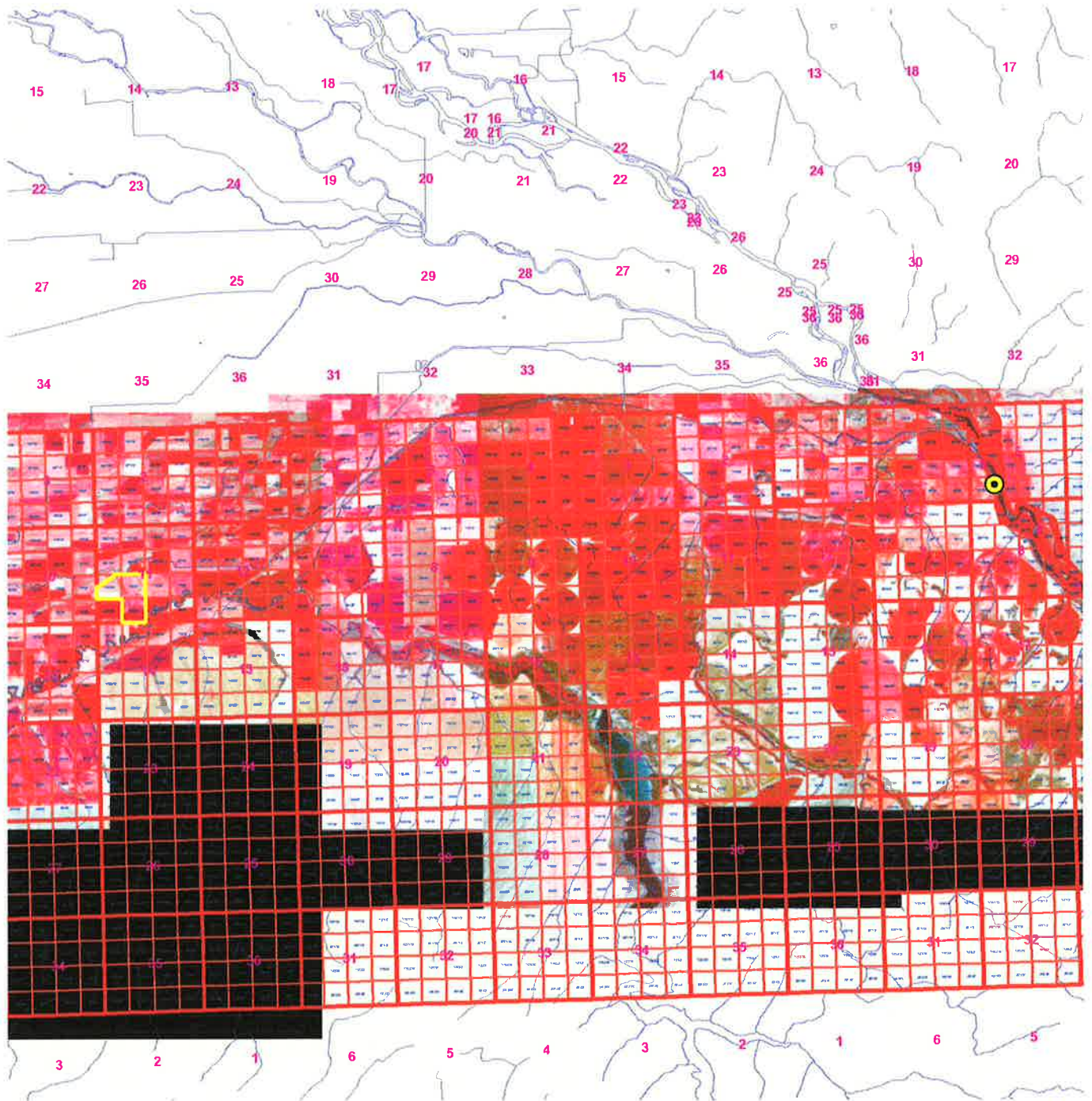
Spatial Dynamics CAT

11/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n39e	11	NESW	40	40	POD placement? See note in claim
03n39e	11	NWSW	30	31	Includes one acre from 25-00056D
03n39e	11	SESW	40	40	POD placement? See note in claim
Totals:			110	111	

Water Right Claim Number 25-00056F Township , 3N39E

11/22/2000



6000 0 6000 12000 18000 Feet

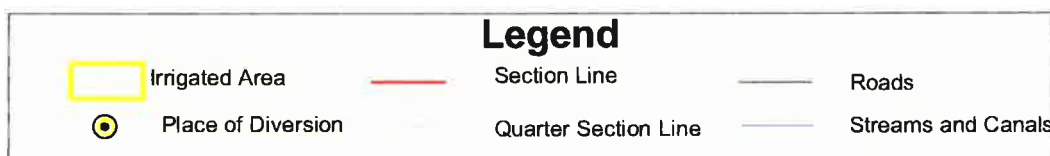
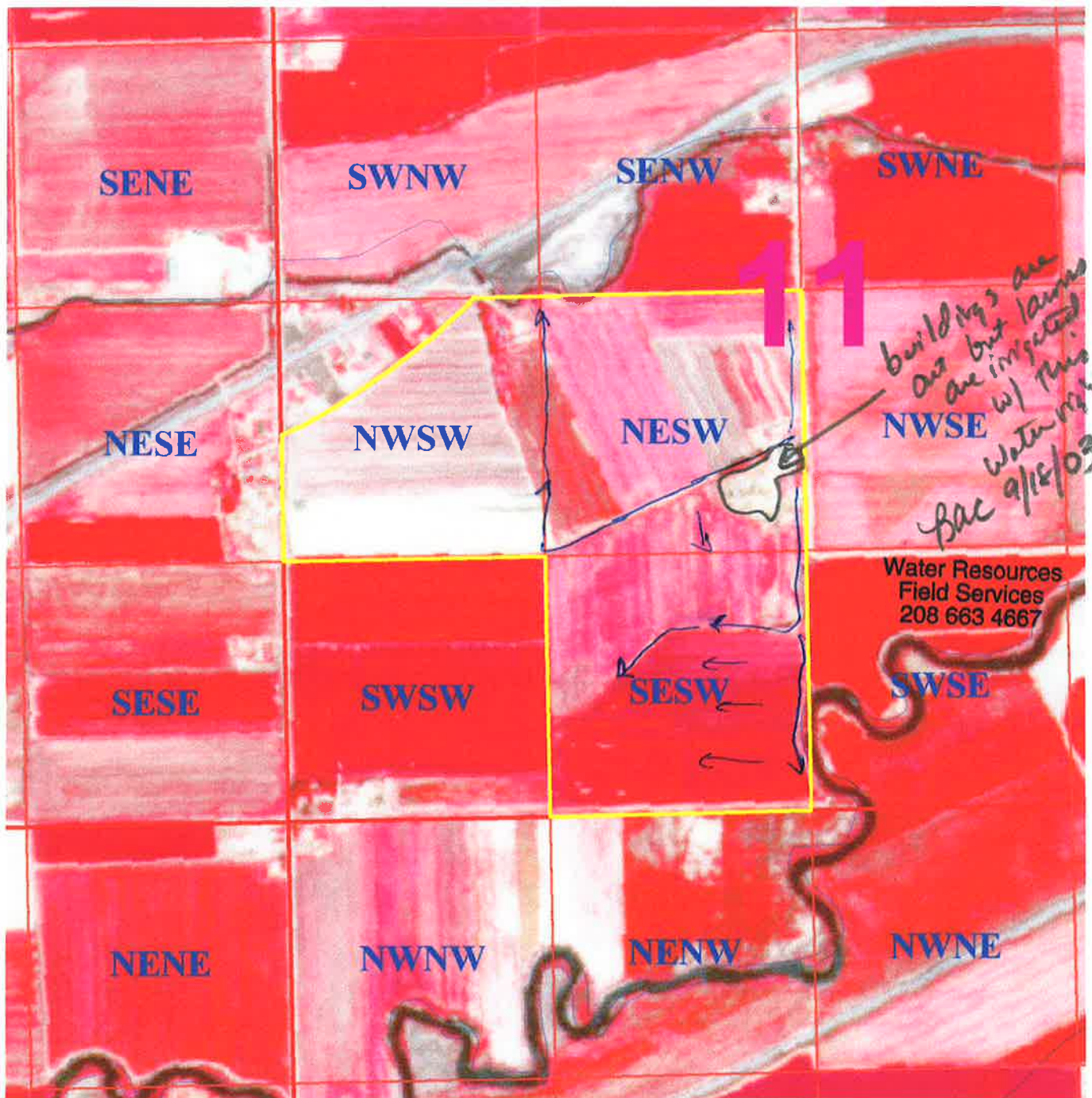


SPATIAL
DYNAMICS



Water Right Claim Number 25-00056F
Township , 3N39E

11/22/2000



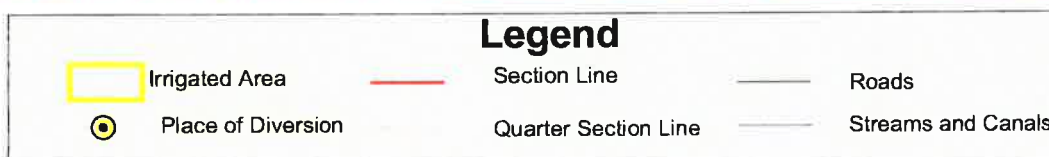
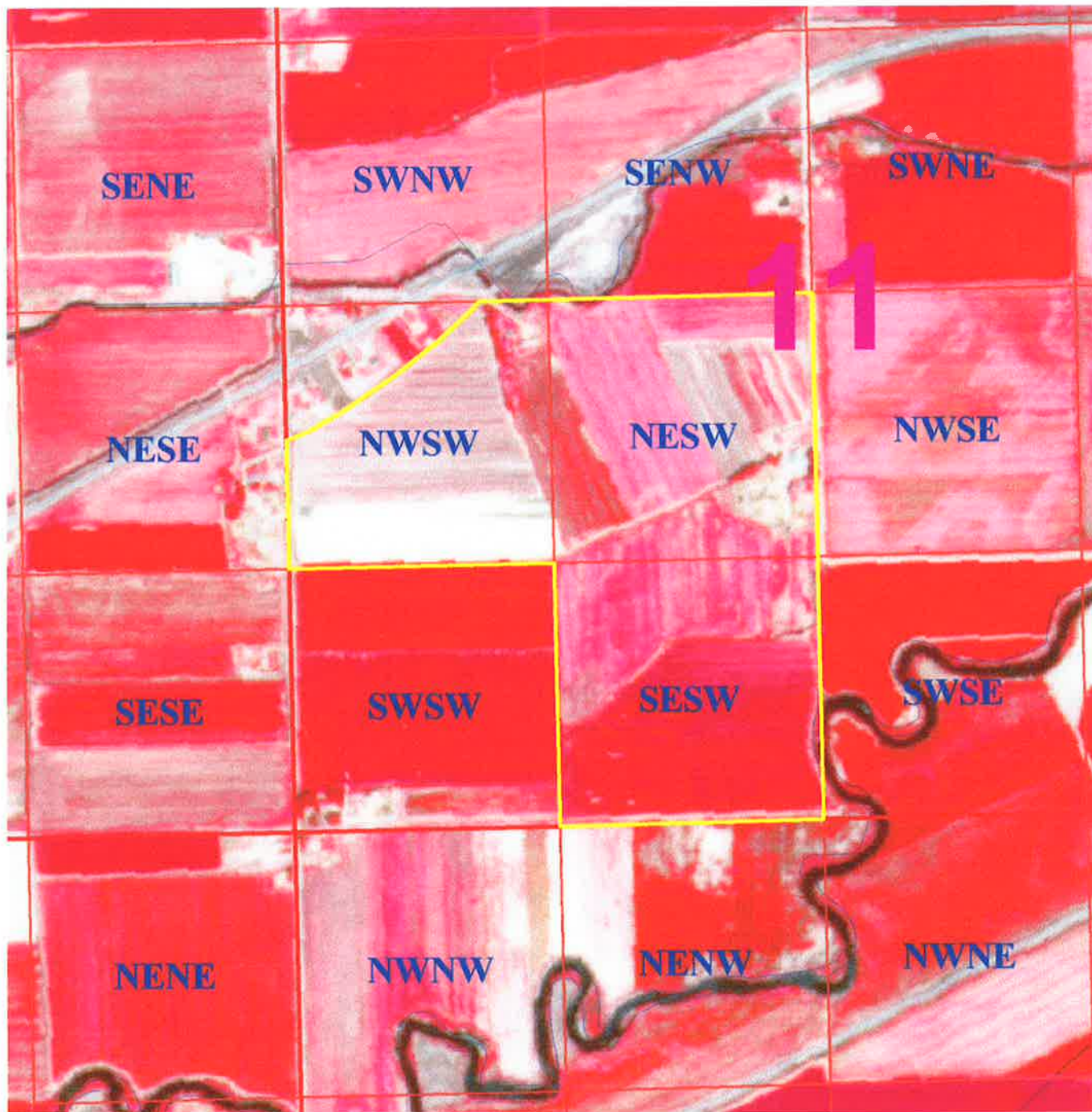
600 0 600 1200 1800 Feet

SPATIAL DYNAMICS



Water Right Claim Number 25-00056F
Township , 3N39E

11/22/2000



600 0 600 1200 1800 Feet

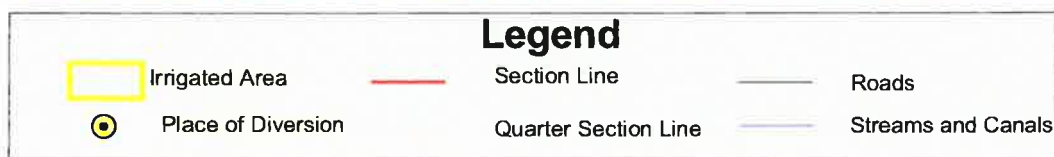


SPATIAL
DYNAMICS



Water Right Claim Number 25-00056F
Township , 3N39E

11/22/2000



SPATIAL
DYNAMICS



AJ5809NP
No. A25-00056F

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAX COOPER 11801 N FERGUSON RD IDAHO FALLS ID 83401 (208) 522-4583	04/01/1874	IRRIGATION	04-01 11-01	1.870 CFS	
TOTAL DIVERSION:					1.870 CFS	
CONSUMPTIVE USE:						275.00 AFA

Water Source: WILLOW CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03N R41E S05 SWSW BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE		NWNW		SWNE		SENE		NENW		NWNW		SWNW		SENE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM

03N 39E 11																	110.0
																TOTAL ACRES	110.0

POU County: BONNEVILLE

Non-Irrigation Uses: NONE

Other Rights: A25-00167.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-00055E A25-00056D A25-00167

Other Water Rights Listing Overlapping Place(s) of Use:
A01-00059 A01-00060 A01-00233 A25-00056D A25-00167

POD located in an
unattributed polygon
of GCDB (just outside
of 03N 41E 05 SWSW)

Remarks: GEN WATER ORIGINALLY TAKEN FROM WILLOW CREEK IN NWSW SEC 7, T3N, R40E
WATER CURRENTLY DELIVERED THROUGH ANDERSON DITCH BY EXCHANGE WITH
PROGRESSIVE IRRIGATION.
THIS CLAIM IS FOR 74.5% OF DECREED RIGHT 25-0056C.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 03/28/91 FRITSCHL 03/29/95 POST-STD

APRIL 15, 1993

MAX COOPER
11801 N FERGUSON RD
IDAHO FALLS ID 83401

RE: NOTICE OF CLAIM A25-00056F AND A25-00167

Dear Mr. Cooper:

The Department has changed the identification number for Notice of Claim #A25-12466. The new number is A25-00056F. We have also modified receipt #M003881 to reflect the new number.

While doing the initial renumbering, it has come to our attention that signed and notarized copies of your Notices, A25-00056F and A25-00167, are not in our files.

I have enclosed for your convenience typed Notices of Claim that must be signed in the presence of a Notary and returned to this department within 10 days (April 26, 1993).

I am sorry for any inconvenience. Please do not hesitate to contact this office if you have any questions regarding this matter (208-525-7161).

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

MICROFILMED
APR 11 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M003881

Date: 7/11/1989
Time:

Received
From: COOPER, MAX

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	410162 9337 6490	210.00

CHECK	2272	Total	<u>\$210.00</u>
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A25-00167 Water Right Numbers
 A25-00056F

Region: MOBILE I

Signature: _____

Renumbered
from A25-12466

CF 3-28-91

MICROFILMED
APR 11 1994

Point of diversion Anderson Canal
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 5 3N 41E

		1874	
25-0055	Alfred Moore	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 11 3N 39E	1.60 cfs
25-0056	Stanley Cooper	E $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 3N 39E South of highway	1.96 cfs - 25-0056B + 25-0056D
25-0056	A. H. Dertschi	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 3N 39E	0.64 cfs
			4.20 cfs

		1880	
25-0113	Progressive Irrigation Dist.	N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 34 3N 38E	1.60 cfs
25-0113	Thomas Christensen	S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 27 3N 38E	0.70 cfs
25-0113	Thomas Christensen	N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 27 3N 38E	0.40 cfs
	c/o David Stanger		
25-0113	Thomas Christensen	N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 27 3N 38E	0.10 cfs
	c/o Stanley Silgen		2.80 cfs

		1882	
25-0098	Max Johnson	W $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Less tract 1 Sec 6 2N 38E	0.70 cfs
25-0099	James Laird	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 2N 37E	0.30 cfs
25-0102	Leona Marcholl	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Lot 2 Sec 6 2N 38E	0.70 cfs
25-0103	Onel Haroldson	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 5 2N 38E	1.30 cfs
25-0112	Mrs Russell Brown	Tr SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 6 2N 38E	0.60 cfs
25-0112	Tom Jenkins	North 30 acres Lot 1 Sec 7 2N 38E	0.34 cfs
0112	Remuth filmore	South 10 acres Lot 1 Sec 7 2N 38E	0.16 cfs
			4.30 cfs

		1883	
25-0008	Sam Bannion	N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 32 3N 38E	2.40 cfs
25-0011	Margan Haroldson	SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 33 3N 38E	2.00 cfs
25-0011	Oliver Haroldson	SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 33 3N 38E	2.00 cfs
			6.40 cfs

		1884	
25-0061	A. H. Dertschi	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 3N 39E	1.20 cfs
25-0105	Mrs Byron C. Telford	SW $\frac{1}{4}$ Sec 32 2N 38E	3.00 cfs
			4.20 cfs

Point of diversion Payne ditch
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27 3N 38E

		1883	
25-0074	F. R. Vandewalle	NE $\frac{1}{4}$ Sec 33 3N 38E	1.30 cfs
25-0074	Lord Chase	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 3N 38E	0.20 cfs
25-0074	Don Hackworth	NE $\frac{1}{4}$ Sec 33 3N 38E	0.28 cfs
25-0074	Herman P. Smith	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 3N 38E	0.63 cfs
25-0074	Robert L. Flint	W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 33 3N 38E	0.28 cfs
25-0074	Lois M. Ball	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 3N 38E	0.35 cfs
25-0074	Stevens Harrison	NE $\frac{1}{4}$ Tract 6 Sec 33 3N 38E	0.10 cfs
25-0075	Onel Haroldson	N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 33 3N 38E	1.00 cfs
25-0076	Dean Lamont	S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 33 3N 38E	0.36 cfs
		1885	
25-0096	Hennery Payne	NW $\frac{1}{4}$ Sec 9 2N 38E	3.14 cfs
	c/o Lela P. Rebauser		

MICROFILMED
NOV 06 1992
Total 6.36 cfs

SCANNED

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

RENUMBERED: A25-00056F

Ident. Number: ~~A25-12466~~

Date Received: 7/11/1989

Receipt No: MOO 3881

Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAX COOPER
Address: 11801 N. FERGUSON RD.
IDAHO FALLS, ID 83401 208-522-4583

2. Date of Priority: APR 01, 1874

3. Source: WILLOW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	41E	5	SW	SW			BONNEVILLE

5. Description of diverting works:
ANDERSON CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.870		

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

8. Total consumptive use is 275.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	11	NE	SW		IRR	40.0
			NW	SW		IRR	30.0
			SE	SW		IRR	40.0

Section Acres 110.0

A25-12466

Page 1

Date: 07/11/89

MICROFILMED

NOV 06 1992

10. Place of Use: Continued

Total Acres 110.0

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:
A25-00167.

14. Remarks:

WATER ORIGINALLY TAKEN FROM WILLOW CREEK IN NWSW SEC 7, T3N, R40E
WATER CURRENTLY DELIVERED THROUGH ANDERSON DITCH BY EXCHANGE WITH
PROGRESSIVE IRRIGATION.
THIS CLAIM IS FOR 74.5% OF DECREED RIGHT 25-0056C.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

EAGLE ROCK & WILLOW CK. WATER
Decree Plaintiff

vs

H. KIEFER, 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: 2

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): *M. J. Cooper* Date: 7-11-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of July 19 89

Anthony S. Olenchok
Notary Public

Seal

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

OR

R39E

R40E

432

50'

433

434

435

47

Rye 39E.

PERPRISE

BM 4929

Twp. 3 N.

10 11
15 14

30

40

40

OLD HEADQUARTERS

MICROFILMED

NOV 6 1952