

09/01/2004

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

RIGHT NUMBER: 25-14117

NAME AND ADDRESS: CHARLES F COLLINS
1029 GRAYS LAKE RD
WAYAN ID 83285

SOURCE: HERMAN CREEK

TRIBUTARY: GRAYS LAKE OUTLET

QUANTITY: 1.040 CFS

PRIORITY DATE: 05/15/1926

POINT OF DIVERSION:

T03S R43E S29 SWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
05/01 10/31

QUANTITY
1.022 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T03S R43E S29 NWNE 40.0 T03S R43E S29 SWNE 11.1

51.1 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: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
 NOV 16 2004
 Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A25-04070</u>	<u>NO SPLIT</u>			

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Department of Water Resources
 Eastern Region

2. The following **REQUIRED** information must be submitted with this form:

~~A. The appropriate FILING FEE. See instructions for fee amounts.~~

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
 Owner/Claimant(s)

Charles F. Collins
1029 Grays Lake Road, Wayan ID

4. New Owner/Claimant(s)

Charles A. and Dianel Collins Husband and wife

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
Don't know

New Mailing Address

323 N. 300 E

City, State and ZIP Code

Jerome ID 83338

New Telephone Number

(208) 280-0317

5. Date you acquired the property

See Quit Claim

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DEC 01 2004

PROFILE

These are not needed - the claim file has maps.

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Paul A. Gell

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

First American Title Company
1004 JENNIE LEE DRIVE • IDAHO FALLS, IDAHO 83404

1059253

QUITCLAIM DEED

BONNEVILLE COUNTY RECORDER

For Value Received

1059253 OCT 2 '01 PM 4 22

BARBARA JEAN COLLINS AKA BARBARA VAN LAR COLLINS

do hereby convey, release, remise and forever quit claim unto

CHARLES ARTHUR COLLINS AND KAREN COLLINS-LONSDY
DANIEL L. COLLINS HUSBAND WIFE DOUG LONSDY HUSBAND WIFE

the following described premises, to-wit: MAKE ADDRESS OF: 325N 3005 JEROME, IDAHO 83438

PROPERTY Commonly KNOWN AS 1029 GRAYS LAKE RD. WAYAN, ID. 85285

SEE ATTACHED LEGAL DESCRIPTION

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INSTRUMENT NO.	1059253
DATE	10-2-01
INST. CODE	220
IMAGED PGS	2
FILE	6:00
STATE OF IDAHO	
COUNTY OF BONNEVILLE	es
I hereby certify that the within instrument was recorded.	
Recorded Longmont,	
County Recorder	
By <u>R. Query</u>	Deputy
Request of <u>FATCO</u>	

together with their appurtenances.

Dated: 10/2/2001

Barbara J. Collins

STATE OF IDAHO, COUNTY OF BONNEVILLE
On this 2nd day of October, 2001
before me, a notary public in and for said State, personally
appeared

Barbara J. Collins

known to me to be the person who name
is subscribed to the within instrument, and acknowl-
edged to me that SHE executed
the same.

Sonia L. Monson

Notary Public
Idaho Falls, IdahoResiding at: Idaho Falls
Comm. Expires: 07-17-2002FIRST AMERICAN TITLE CO.
P.O. Box 3432
Idaho Falls, Idaho 83403

IF 49351

The West half of the Northeast Quarter of Section 29, Township 3 South, Range 43, East of the Boise Meridian, Bonneville County, Idaho.

LESS AND EXCEPTING THE FOLLOWING: Beginning at the East 1/16th corner on the North line of said Section 29, which is a U.S. Government survey monument, thence South 04°21'19" East 1792.18 feet along the East line of the said West half of the Northeast Quarter as surveyed by the U.S. Government in 1978 to the true point of beginning which is a 5/8" rebar with cap labeled AA Hudson LS4735 set on said East line; thence continuing South 04°21'19" East 869.35 feet to the center East 1/16th corner monument; thence South 85°13'52" West 1488.65 feet along the South line of said West half of the Northeast Quarter to the center Quarter corner of said Section 29, which is a 5/8" rebar with cap; thence North 01°54'57" West 870.40 feet along the West line of said West half of the Northeast quarter to a 5/8" rebar with cap; thence North 85°13'52" East 1431.60 feet to the true point of beginning.

SUBJECT TO An Easement 25 feet wide for ingress and egress over the following described parcel:

Beginning at the East 1/16th corner on the North line of said Section 29; thence South 04°21'19" East 1792.18 feet; thence South 85°13'52" West 25.00 feet; thence North 04°21'19" West 1767.84 feet; thence South 86°44'09" West 50.72 feet; thence North 04°21'19" West 25.00 feet; thence North 86°44'09" East 75.72 feet to the point of beginning

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DEC 01 2004

(IF49351.PFD/IF49351/20)



Agricultural • Residential • Commercial • Small Industrial

9/16/2004

Phone (208) 733-4422
Fax (208) 733-4475

420 5th Ave. W
P.O. Box 1024
Twin Falls, ID 83301

Bryce A. Contor
Water Resources Field Services
1571 Terreton, ID 83450

Re: Idaho water right claim A25-04070

Dear Mr. Contor:

Please excuse the absence of a response to your letter dated Nov 12, 2003 inquiring into the use and ownership of the above referenced water right.

As you can see, the property in question was Quit Claimed to Charles A Collins/Diane Collins husband and wife and Koral Collins Conboy/Doug Conboy husband and wife October 2, 2001, by Barbara J Collins, who is the mother of Charles and Koral Collins.

Barbara Collins deceased July 11, 2003.

This property is not split and the subsequent water rights are not split. The water in question was used in the years 1984-1988 for irrigation purposes both by gravity diversion and by pump. The water was applied in both cases using flood techniques, and was never sprinkled. The electric utility Lower Valley Power and Light bills for those years can be provided if necessary. For all of those years and every year subsequent this property has been grazed and the source of the water for these animals is Herman Creek.

This property has not been irrigated in the past few years due to the drought conditions that have reduced the stream flows in Herman Creek to a mere trickle which required the supplementation of the stock water with the well that has existed on the property for 70 years.

If the coming years will provide sufficient water for irrigation of this property it is our intent to continue to use it as has been the case in the past.

If you need any more information please feel free to contact me!

Respectfully,
ARGUS ELECTRIC, INC.
Charles A Collins, Owner/Pres.

A handwritten signature in black ink, appearing to read "Charles A. Collins", written over the printed name.

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SEP 23 2'

Department of Water Resources
Eastern Region

9/22/04

Michael-

Here is a Δ ownership and
an explanation of water use for
A25-04070. - Now 14117 Rm

I didn't see anything that would
contradict what Mr. Collins states.

Byron A. Conton

P.S. I see the deed has no

legal description... SAME LEGAL

DESCRIPTION AS THE ONE FOUND ON IDWR

RIGHT # 25-14117.

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DEC 01 2004

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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 WEB SITE: www.idwr.state.id.us

EASTERN REGION
October 14, 2004

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

CHARLES A & DIANE COLLINS
KORAL COLLINS-CONBOY & DOUG CONBOY
323 N 300 E
JEROME ID 83338

RECEIVED
OCT 19 2004
Department of Water Resources
Eastern Region

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 25-4070
HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

___ FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)

___ SIGNATURE

see attached

☒ COPY OF **DEED**, TITLE POLICY, CONTRACT OF SALE, OR OTHER
LEGAL DOCUMENT indicating your ownership of the property and water
rights in question,

☒ **LEGAL DESCRIPTION OF PROPERTY**

___ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

___ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO
with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE
ENTIRE PACKET TO :

Ryan Mikesell — 525-7161
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402

*We need a copy of the deed as
recorded with the county assessor.
I cannot accept a legal description
that is handwritten enclosed 11-15-04*

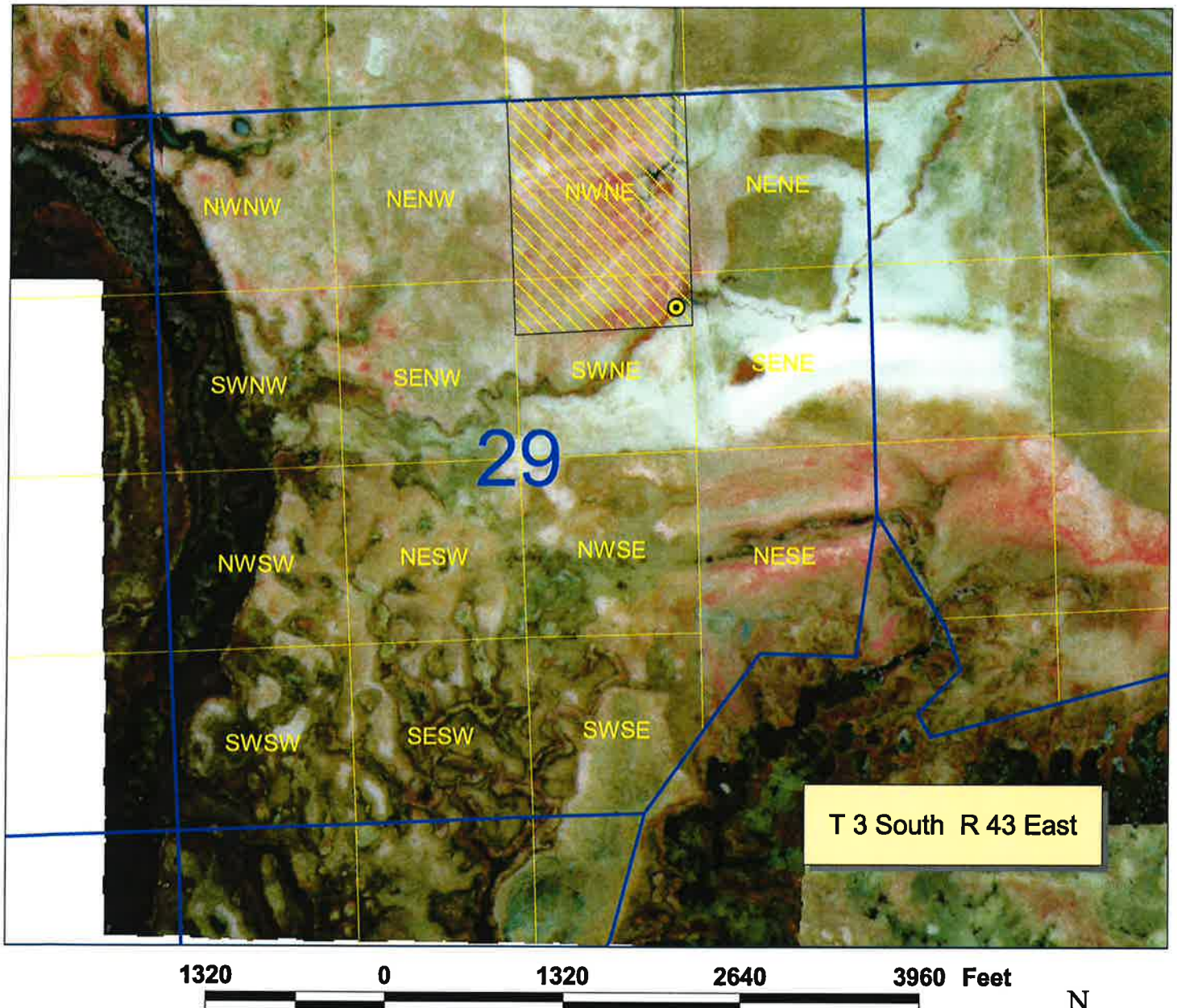


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-14117



- ⊙ Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

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

11/12/03

General Comments

This is a beneficial use claim that appeared unused when I inspected it, but I found evidence of prior irrigation in the form of ditches, a pump, and pipelines. I also found an older ditch that could have served the claimed place of use before a pump was available. The claim was filed 15 years ago and it is not unreasonable that the place was irrigated sometime in the five years before claims taking. The pump panel electrical inspection was done in 1975. There is an old ditch that comes into the high corner of the property, suggesting historical irrigation before the pump system was installed. The part of the POU south of the creek could possibly have been irrigated from the creek (by damming the creek itself; the land is very flat right there) or by a flume that may have crossed the creek where the current pipeline crosses. Evidence in the file establishes at least a 1924 priority date.

I have written to the owners asking for clarification of water use during the five years before claims taking. If they don't respond I suggest getting advice on whether to recommend forfeiture. I know it is not being irrigated now but I can't tell how long it has been since it was irrigated.

Ownership

The courthouse indicates a change in ownership to:

Charles Arthur Collins
Diane Collins
Coral Collins
Doug Convoy
323 N 300 E
Jerome ID 83338

I have sent a letter and a change of ownership form.

POD

The current POD is a pump from a pond just off Herman Creek, GPS waypoint 4070, 708,506 E 229,025 N IDTM. The original POD appears to have been about where the road crosses Herman Creek to the northeast of the POU. The unlabeled black and white photo in the file shows the general area where the original POD must have been. The layout has the current POD too far west, see my corrections.

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JUN 29 2004

p. 1 11/12/03

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POU

The claimed POU and the layout appear to be correct.

Overlap

None noted.

Conflict

Ernie Lombard of Lombard Land and Livestock has a decreed right from this source and a POD upstream of this location. He acknowledges that he lets some stock water go down to Collins but did not mention Collins' irrigation when I asked about other users on the creek. Lombard's decree is for less total diversion rate than Lombard could put to beneficial use with the ditch and acreage he has in place. USFWS also has a claim based on the same decreed right as Lombard.

Lombard and Humphries have a dispute with USFWS about where the property line is between themselves and the refuge. This may also apply to A25-04070; the USGS maps show no public land survey section line on the south of this section.

Priority

The Melvin Gregorie letter appears to document at least a 1924 priority. He states the photo was taken in 1926 when he was eight years old and he remembers observing irrigation at the ranch from the time he was six years old, or two years earlier. Note that the photo shows a hill behind the boys that looks like the hill in photo A25-04070_3.jpg.

Quantity

The pump motor is missing and I couldn't find a pump tag. The discharge supplies an eight-inch pipe. A maximum irrigation mainline design velocity is seven feet per second (IDWR energy-efficient irrigation seminar training materials circa 1992), which is about 2.45 cfs in an eight inch pipe. This indicates adequate capacity to serve the claimed diversion rate of 1.6 cfs.

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Water Use

This land is smooth and nicely sloped. Historically nearly all the claimed POU could probably have been flood irrigated.

The motor panel has an electrical inspection tag dated 1975. The power meter is a Landis and Gyr meter, serial number LA 231 A 5 1. I think a rural electrical coop out of Afton Wyoming supplies the power here. They may possibly be able to document the most recent irrigation use, but I haven't contacted them.

In a normal water year I expect Herman Creek provides a useable supply if Lombard takes no more than his decreed right. Even with Lombard diverting most of the stream for irrigation there was some water reaching the Collins property when I visited.

There weren't cattle on the place when I visited but it looks like it was used for grazing this season. I should have invited the claimants to amend the claim to include stock water, or to file a separate stock water claim. Mr. Lombard states he always tries to let some water go past his diversion for stock water uses, but a future owner may not be so courteous and these claimants may need a water right to protect the stock water flow.

List of Photos

Even if irr. must be disallowed, stockwater w/ priority 1924 can be recommended. BAC.

- A25-04070_1.jpg Looking west along north edge of POU from northeast corner.
- A25-04070_2.jpg Looking southwest at POU from northeast corner.
- A25-04070_3.jpg Looking up (northeast) into Herman Creek drainage along old ditch. It seems to show in the NAPP, see my sketch. This ditch enters the property just south of the northeast corner, which is the high corner of the property. The hill in the right background looks like the hill behind the boys in Mr. Gregorie's photo.
- A25-04070_4.jpg Eight inch riser pipe and PVC pipe on ground at the SE corner of the house lot, near the NE corner of the POU.
- A25-04070_5.jpg Looking south past transformer and pipe pile, with the pump in the middle ground and Herman Creek and the pump pond in the background. I don't know how well it shows in the picture but pipeline traces appear on the ground extending south beyond Herman Creek

A25-04070_6.jpg Pump

A25-04070_7.jpg Pond in Herman Creek with dam and dike.

Bryce A. Contor
Bryce A. Contor

11/12/03
Date

SCANNED

JUN 29 2004

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 25-14117
Date Received: 8/31/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CHARLES F COLLINS Phone: (208)547-3702
1029 GRAYS LAKE RD
WAYAN ID USA 83285

2. Date of Priority: 05/15/1926

3. Source: HERMAN CREEK Trib. to: GRAYS LAKE OUTLET

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	43E	29	SW NE	BONNEVILLE	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.04	

7. Total Quantity Appropriated is:
1.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03S	43E	29	NW NE	IRRIGATION	40
			SW NE	IRRIGATION	11.1

Section Acres 51.1

Total Acres 51.1

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:

14. Remarks:

split from claim 25-4070

15. Basis of Claim: Beneficial Use

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED
JUN 29 2004

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