

12/12/2003

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

RIGHT NUMBER: 25-13959

NAME AND ADDRESS: KAE D BLACK
845 PEARL DR
BLACKFOOT ID 83221

HERMAN BLACK
845 PEARL DR
BLACKFOOT ID 83221

SOURCE: SELLARS CREEK
SPRINGS

TRIBUTARY: WILLOW CREEK
TRIBUTARY: SELLARS CREEK

QUANTITY: 2.000 AFY

PRIORITY DATE: 01/01/1969

POINT OF DIVERSION:

T02S R39E S3 SWNNW Lot 4 Within BINGHAM County

T02S R39E S3 SWNNW Lot 4 Within BINGHAM County

Two points of diversion are located within NWNE, S03, T02S, R39E.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

RECREATION

PERIOD OF USE

01/01 12/31

QUANTITY

2.00 AFY

PLACE OF USE:

RECREATION Within BINGHAM County

T02S R39E S03 Lot 4 NWNW

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

Ryan

12/12/2003

**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: 25-13959

KAE D BLACK
845 PEARL DR
BLACKFOOT ID 83221
Telephone Number: (208)785-1265

HERMAN BLACK
845 PEARL DR
BLACKFOOT ID 83221
Telephone Number: (208)785-1265

RECEIVED
AUG 30 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:

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

DATE: 30 Aug 04 SIGNATURE: Kae D Black
Please print your name: Kae D Black

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

PROFILED

SCANNED
SEP 01 2004

12/12/2003

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SPRINGS
TRIBUTARY: WILLOW CREEK
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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	2.00 AFY

PLACE OF USE: RECREATION Within BINGHAM County
T02S R39E S03 Lot 4 NWNW

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 - Beneficial Use

SCANNED
SEP 01 2004

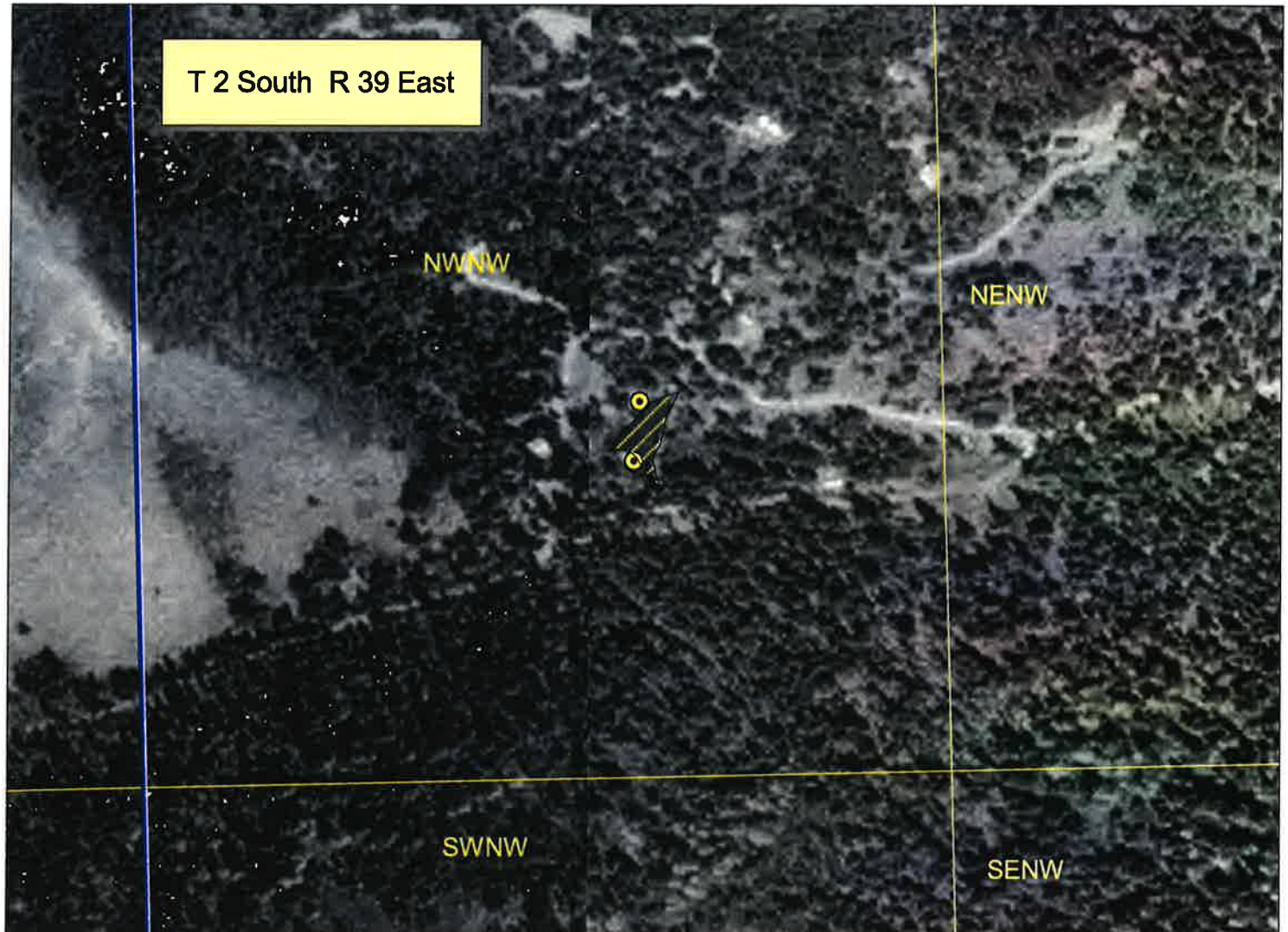


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-13959



0 1320 Feet



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

SCANNED
SEP 01 2004

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

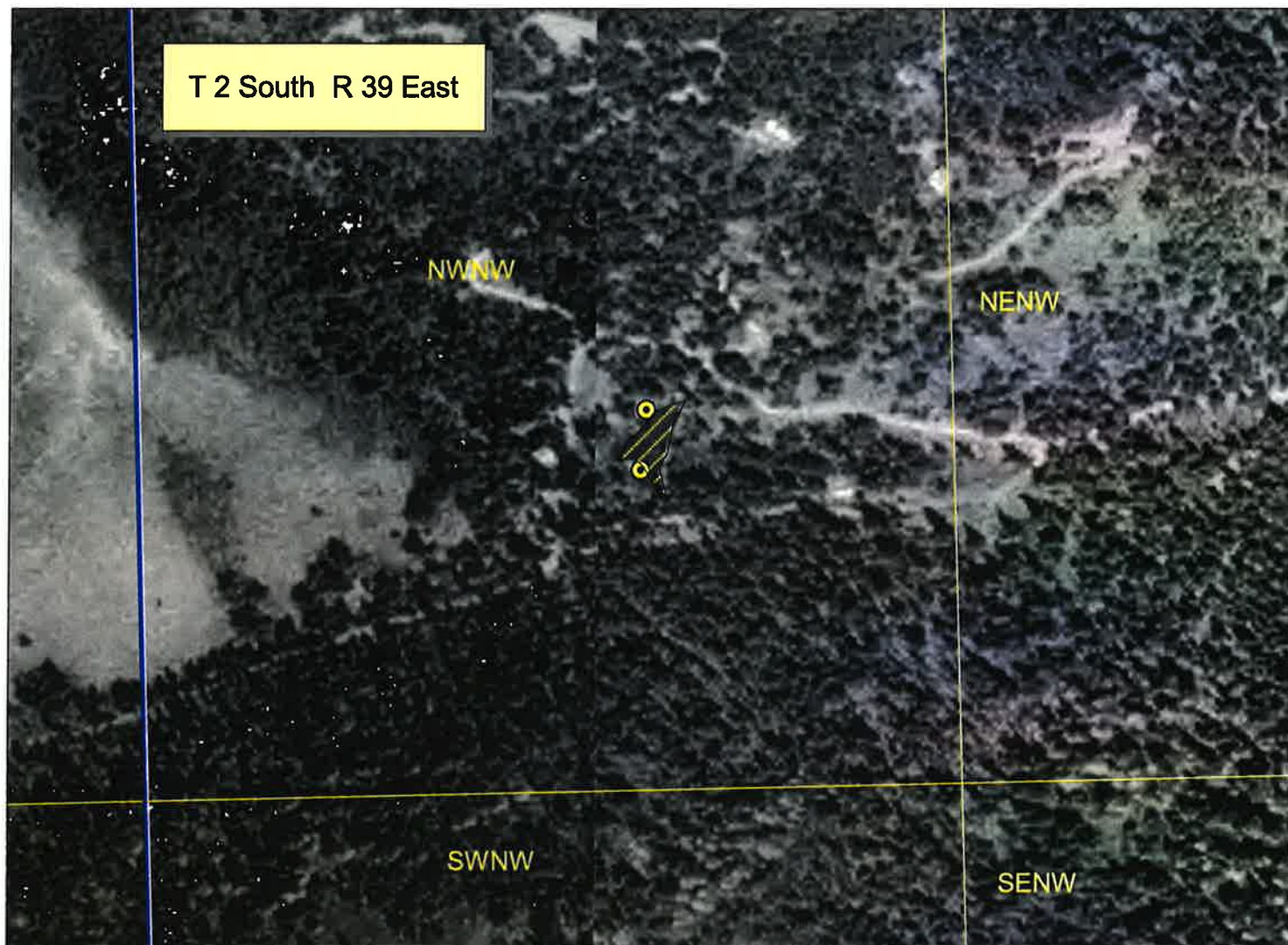


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-13959



0

1320 Feet

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

SCANNED
AUG 10 2004



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

Herman Black

p.c 7

Way point - 016

- established spillway at
672191
244346

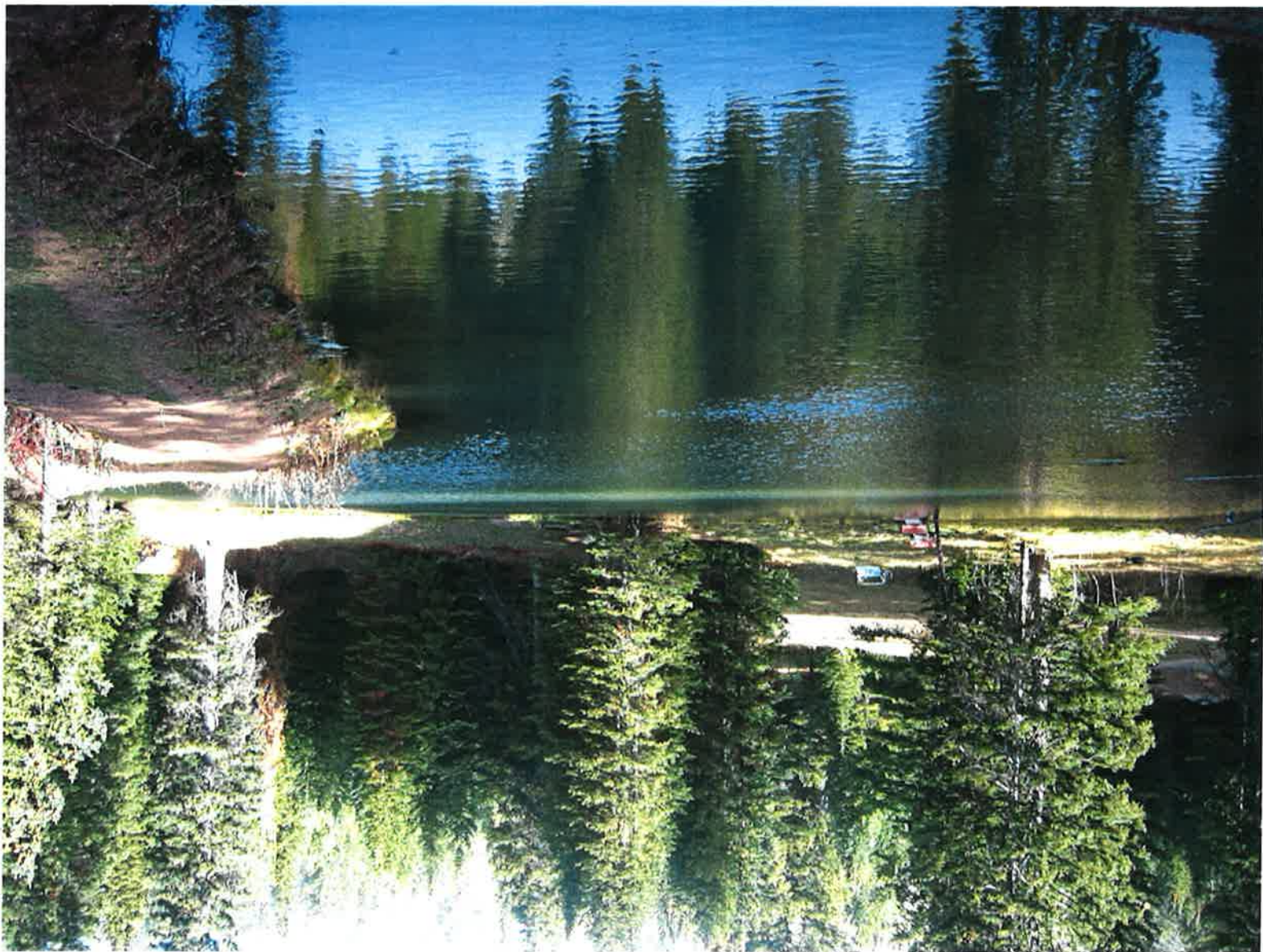
recreational pond - well used - varying
depth.

Best guess is 1969 the dam was built
Bought during flood - 76'

- was built up before
- knew the prior owner - "Ritter" that
and used the pond before owning it

Started as a beaver dam and it
was built stronger.

Recreational pond w/ spillway to Sells Creek



October 14, 2003

Ryan Mikesell
Idaho Department of Water Resources
900 N. Skyline Suite A
Idaho Falls ID 83402

Herman Black
138 N Meridian
Blackfoot ID 83221

Dear Herman:

I am writing to you about you Snake River Basin Adjudication claim (25-13-959) that you filed in 1998 for water storage at your cabin site near Bone, ID. You have claimed a priority date of April 1, 1875. For me to be able to recommend this date I will need some evidence of priority (encl). I will also need to visit the site of the pond. Since the water is not used for irrigation you don't need to be there with me but you may if you like. I either need your permission to go there or we need to make an appointment to meet there. You can contact me at the above address or by calling 525-7161. Thank you for you help and your prompt attention in this matter.

Sincerely,



J. Ryan Mikesell
IDWR Water Agent

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07665

Proposed Priority: November 9, 1998

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **HERMAN BLACK**

KAE D BLACK

138 N MERIDIAN

BLACKFOOT ID 83221

has applied for a permit to appropriate water from:

SELLARS CREEK

tributary of **WILLOW CREEK**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NWNW), Sec. 3, Township 02S, Range 39E
BINGHAM County

PLACE OF USE: DOMESTIC

TWN RGE SEC

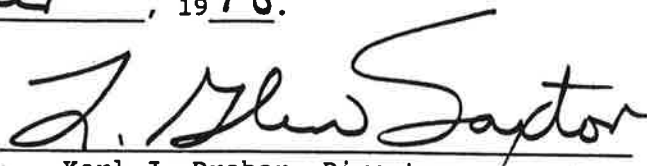
02S 39E 3 Lot 4(NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 2000.**
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Place of use is located within Lots 1-3, Blk. A, Spring Valley Subdivision.
6. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

21st day of December, 1998.


for Karl J. Dreher, Director

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 25-07664

Proposed Priority: November 9, 1998 Maximum Diversion Rate: 0.02 CFS

This is to certify, that HERMAN BLACK

KAE D BLACK

138 N MERIDIAN

BLACKFOOT ID 83221

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWNWNW), Sec. 3, Township 02S, Range 39E
BINGHAM County

PLACE OF USE: DOMESTIC

TWN RGE SEC

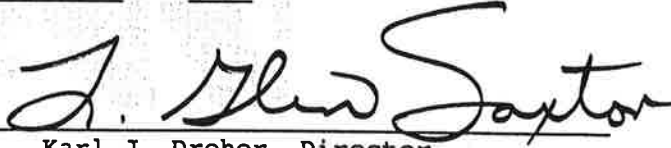
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This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

21st day of December, 1998.


for Karl J. Dreher, Director

SCANNED

AUG 6 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: A25-13959

Date Received: 11/ 2/1998

Receipt No: E024609

Received By: HWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERMAN BLACK 208-785-1265
Address: 138 N MERIDIAN
BLACKFOOT ID 83221

OR

Name: KAE D BLACK 208-785-1265
Address: 138 N MERIDIAN
BLACKFOOT ID 83221

2. Date of Priority: APR 1, 1875

3. Source: SELLARS CREEK Trib. to: WILLOW CREEK
UNNAMED SPRINGS SELLARS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	39E	3	SW	NW	NW	4	BINGHAM

5. Description of diverting works:
ONSTREAM POND WITH SMALL EARTHEN DAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
RECREATION	01/01	12/31			2.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 2.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RECREATIONAL USE AT CABIN SITE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	39E	3	NW	NW	4	REC	

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:
N/A

14. Remarks:

PRIORITY DATE IS CLAIMANTS' BEST ESTIMATE.

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): Karl Block Date: 11-5-98

Date: _____

State of Idaho)
County of Bingham) SS.

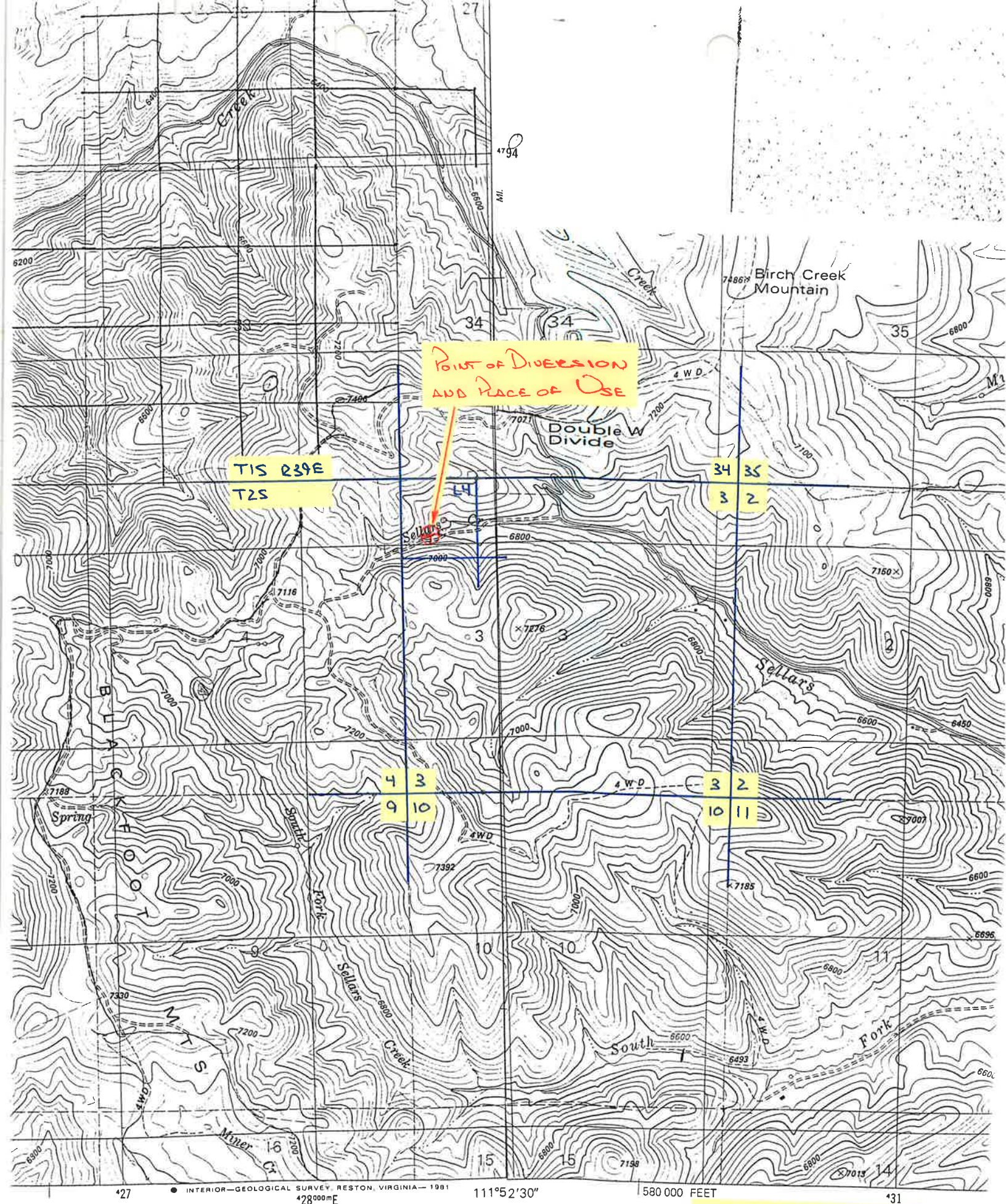
Subscribed and sworn (or affirmed) before me this 5 day
of November 19 98

Becky L. Stucki
Notary Public

Seal



Residing at Bingham County
My Commission Expires 2-19-2004



POINT OF DIVERSION
AND PLACE OF USE

TIS R39E
T2S

34 35
3 2

4 3
9 10

3 2
10 11