

03/04/2005

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

RIGHT NUMBER: 37-795
NAME AND ADDRESS: MICHAEL J FLEMING
17826 HWY 30
BLISS ID 83314-5066
SOURCE: BIRCH CREEK
SOUTH FORK BIRCH CREEK
TRIBUTARY: SNAKE RIVER
TRIBUTARY: BIRCH CREEK
QUANTITY: 0.700 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 06/30/1878
POINT OF DIVERSION:

T06S R13E S34 NWSESE Within GOODING County
T06S R13E S35 NESWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/15 11/15	0.700 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T06S R13E S34 SESE

IRRIGATION Within GOODING County

T06S R13E S34	NESE	2.6	T06S R13E S34	SESE	32.0
T07S R13E S02 Lot 2	SWNE	6.1	T07S R13E S02 Lot 1	SENE	7.9

48.6 ACRES TOTAL

Right nos. 37-795, 37-796 and 37-798 are limited to the irrigation of a combined total of 48.6 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

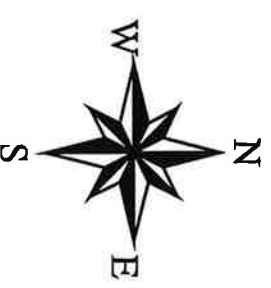
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

37-795, 37-796 & 37-798



T06S R13E S34
T07S R13E S02

Map prepared by: Carter Fritschle
Date prepared: 11/26/02
1987-1988 NAPP photography
Idaho Department of Water Resources

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: A37-00795
Date Received: 8/15/1988
Receipt No: S001436
Received By: *rw*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL J. FLEMING 208-837-4934
Address: RT 1 BOX 7
HAGERMAN, ID 83332

2. Date of Priority: JUN 30, 1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	35	NE	NW	NW		GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.700		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 HOLSTEIN HEIFERS & BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	34	SW	SE		IRR	10.0
			SE	SE		IRR	37.0

Section Acres 47.0

A37-00795

Page 1

Date: 08/15/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	35	SW	SW		IRR	40.0
						Section Acres	40.0
07S	13E	1	NW	NW		IRR	11.0
						Section Acres	11.0
		2	NE	NE		IRR	30.0
			NW	NE		IRR	8.0
						Section Acres	38.0
						Total Acres	136.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A37-03155, A37-03157, A37-00796, A37-00798

14. Remarks:

TOTAL CFS=2.74 WHEN COMBINED WITH OTHER WATER RIGHTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

SWINEHART ET. AL.

Decree Plaintiff

vs

VADER ET. AL.

Decree Defendant

(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.

MICROFILMED
FEB 23 1993

Idaho Power

C 9
(651c)

C 153

B 66 (650c)

C 261
(545c)

C 35
(519c)

C 34
(1010c)

C 317
(546c)

C 315
(649c)

C 36
(596c)

C 196

C 19
(595c)

C 152

A 134

B 27

A 25

B 8.6

H 15.8

I 1.5

J 2.6

K 3.8

L 3.0

M 3.9

N 2.0

O 2.5

P 2.4

Q 2.6

R 2.1

S 3.1

T 3.5

U 17.4

V 1.8

W 1.3

X 1.4

Y 1.2

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"NOT TO SCALE"

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

RE:

FLEMING RIGHTS

(Note: I discussed this briefly with Allen afterwards and will CC: him a copy of this memo. I also prepared some GIS shapes for the Fleming rights in Basin 37 while the information was on my desk and freshly reviewed.)

claims: 37-795, -796 & -798
cc: Allen Merritt

Basin Sequence Spj Basis		Status	Priority	Date	Diversion	Source List	Water Use List	Owner List	Years	Source	Ta Application	
36	64 B	Decreed Active	1884-09-10		4.52	BILLINGSLEY C	IRRIGATION	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
36	10446	Beneficial Active	1/1/34		0.7	SPRING	IRRIGATION	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
36	12694	Beneficial Active	1/1/80		0.04	GROUND WAT	DOMESTIC	JILL M FLEMING (Current Owner)	wr	Adjudication	Claim	
36	15094	Statutory C Active	1/1/10		1	WASTEWATER	IRRIGATION	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
37	795	Decreed Active	1878-06-30		0.7	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
37	796	Decreed Active	1880-06-30		0.7	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
37	798	Decreed Active	1878-06-30		0.64	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
37	3155	License Active	5/14/34		0.5	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
37	3157	License Active	5/28/44		0.2	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
37	7559	Permit Active	2/8/77		10	UNNAMED STR	FISH PROPAGATION	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
37	10993	Statutory C Active	1/1/34		0.06	SPRING	DOMESTIC, STOCK	MICHAEL J FLEMING (Current Ow)	wr	Adjudication	Claim	
47	2115	License Active	2/23/16		1	GROUND WAT	DOMESTIC, STOCK	MICHAEL J FLEMING (Current Owner)	MI	wr	Adjudication	Claim
47	10498	Beneficial Active	1/1/50		0.04	GROUND WAT	DOMESTIC, STOCK	MICHAEL J FLEMING (Current Owner)	MI	wr	Adjudication	Claim
36	64 B	Decreed Active	1884-09-10		0.72	BILLINGSLEY C	IRRIGATION	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
36	64 B	Decreed Active	1884-09-10		0.72	BILLINGSLEY C	IRRIGATION	MICHAEL J FLEMING (Current Ow)	2	wr	Adjudication	Recommendation
36	10446	Disallowed	1/1/34		0.7	SPRING	IRRIGATION	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
36	10446	Beneficial Active	3/15/61		0.09	UNNAMED STR	IRRIGATION	MICHAEL J FLEMING (Current Ow)	2	wr	Adjudication	Recommendation
36	15094	Disallowed	1/1/10		0.33	WASTEWATER	IRRIGATION	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
36	15094	Beneficial Active	3/15/61		0.61	WASTEWATER	IRRIGATION	MICHAEL J FLEMING (Current Ow)	2	wr	Adjudication	Recommendation
37	795	Decreed Active	1878-06-30		0.25	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
37	796	Decreed Active	1880-06-30		0.25	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
37	798	Decreed Active	1878-06-30		0.64	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
37	3155	License Active	5/14/34		0.33	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
37	3157	Disallowed	5/28/44		0.2	BIRCH CREEK	IRRIGATION, STOCK	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
37	7559	Permit Active	2/8/77		10	UNNAMED STR	FISH PROPAGATION	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation
37	10993	Beneficial Active	1/1/34		0.05	SPRING	DOMESTIC, STOCK	MICHAEL J FLEMING (Current Ow)	1	wr	Adjudication	Recommendation

5/1/01 sec

Appt. w/ C. Jensen

copy of Listing

AJ0749NP
No. R37-00795

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/02/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAEL J FLEMING 17826 HIGHWAY 30 BLISS ID 833145066 (208) 837-6453	06/30/1878	IRRIGATION STOCKWATER	04-01 10-01 01-01 12-31	0.250 CFS 0.050 CFS	110.40 AFA
TOTAL DIVERSION:					0.250 CFS	110.40 AFA
CONSUMPTIVE USE:						82.80 AFA

Water Source: BIRCH CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R13E S35

NESMSW

GOODING County

Place of use Legal Description for: IRRIGATION

	NENE	NMNE	SMNE	SENE	NENW	NMNW	SMNW	SENW	NESW	NMSW	SMWS	SESW	NESE	NMSE	SMSE	SESE	SUM
T R S	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt
06S 13E 34	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
TOTAL ACRES																	
25																	
27.8																	

Place of use Legal Description for: STOCKWATER

	NENE	NMNE	SMNE	SENE	NENW	NMNW	SMNW	SENW	NESW	NMSW	SMWS	SESW	NESE	NMSE	SMSE	SESE	SUM
T R S	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt
06S 13E 34	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
TOTAL ACRES																	
25																	
27.8																	

POU County: GOODING

Non-Irrigation Uses: S/150 HOLSTEIN HEIFERS & BEEF CATTLE

Other Rights: 37-00796, 37-00798, 37-03155

Remarks: GEN TOTAL CFS=2.74 WHEN COMBINED WITH OTHER WATER RIGHTS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 37

Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/25/1991 User-ID: BEDKE Subject: SCC-STAFF REVIEW

Date: 09/02/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 09/02/99 SSHERMAN

RECEIVED
OCT 06 1999
Department of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 02 1999

RECEIVED

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

Department of Water Resources

OCT 06 1999

Department of Water Resources
Southern Region

MICHAEL J FLEMING
17826 HIGHWAY 30
BLISS ID 83314-5066

August 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Snake River Basin Adjudication (SRBA)
Water Rights #36-00064B, 36-10446, 36-15094, 37-00795A,
37-00796, 37-03155, 37-03157, 37-07559, 37-00798, 37-10993
& 47-10199

Change of Address

Records changed, NCAP prepared
SS 9-2-99

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by September 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Michael J Fleming
Claimant Signature

208-837-6453

Telephone No.

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Georgia Satterlee

DATE

April 20, 1998 8:20am

CUSTOMER

Fleming, Mike

SUBJECT: 37-07559

phone call (x) walk-in (.)

RE: A37-00795, -00796, -00798, -03157, -07559, -10993

Current Address: 933 E 2700 S, Hagerman, ID home# 837-6453

He says he will be in court next week for the above aj claims, he will call me after that ordeal.

I am going to return 37-07559 file to the "To Do" file drawer and concetrate on the field examination permites that are willing to have their beneficial use examined today.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)ADJ728NP
(OD-124)

Water Right Number - B37-00795 Adj. Flag Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - - Address - - - - - + - - - - - +

*** C - CURRENT OWNER ***
FLEMING

MICHAEL J.

1 - RT 1 BOX 7

2 -

3 -

City- HAGERMAN

Phone - 208-837-4934

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/30/1878 D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIRCH CREEK SNAKE RIVER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)

06S 13E 35 NE SW SW (47) GOODING

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code Description Period From Period To01 - IRRIGATION 04/01 10/01 0.250 110.40
04 - STOCKWATER 01/01 12/31 0.050+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.250 110.40 82.8+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code

06S	13E	34	NE SE	2.5	01	IRRIGATION	(47)	GOODING
06S	13E	34	SE SE	25.1	01	IRRIGATION	(47)	GOODING
06S	13E	34	SE SE		04	STOCKWATER	(47)	GOODING

Total Acres: 27.6

+ - - Diversion Means -

+ - - Non-Irrigation Use - S/150 HOLSTEIN HEIFERS & BEEF CATTLE

+ - - Other Rights for Same Use - 37-00796, 37-00798, 37-03155

+ - - - - - - - - - - - Remarks - - - - - +
TOTAL CFS=2.74 WHEN COMBINED WITH OTHER WATER RIGHTS.+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers FoundMICROFILMED
FEB 23 1993

MICROFILMED
FEB 23 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:49:13
09/18/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-00795

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | 3-15-91 | N | | | DB | |
| POINT OF DIV | Y | | SCC/NA | Y | 1,2,5,4 | | | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | Y | | | Y | 1,2,4,5 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | Y | 6. Duene | | | |
| CONSUMPTIVE USE | - | | | Y | | | | |
| PURPOSES | Y | | | N | | | | |
| PERIOD OF USE | Y | | | N | | | | |
| BASIS OF CLAIM | | | | N | | | | |
| REMARKS | Y | | | | | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

CFS/ACRE
allowed Rate =
0.04 cfs/ac.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:49:13
09/18/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-00795

LAST: FLEMING
ADDRESS: RT 1 BOX 7
CITY: HAGERMAN
PHONE NUMBER: 208-837-4934

FIRST: MICHAEL J.
STATE: ID ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED? DATABASE Y FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: TOTAL CFS=2.74 WHEN COMBINED WITH OTHER WATER RIGHTS.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: () - -
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y () N () TIME: ____:____ A () P ()
ACCOMPANIED BY: _____ PHONE NUMBER: () - -
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS: _____

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A. AJ CLAIM: # A37-00795 PRIORITY DATE: 06-30-1878 STAGE: D
B. WR RECORD: # 37-00795 PRIORITY DATE: 06-30-1878 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
U

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(~~X~~)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
06-30-1878

REVIEWED BY

See

DATE

9-18-90

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|---------|
| A37-00795 | 06S | 13E | 35 | NE | NW | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE
WR RECORDS IN SAME 40 ACRE TRACT
37-04112
37-04163

SOURCE: BIRCH CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

3700795 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BIRCH CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

| FIELD EXAM REQUIRED? | DUE TO POD DISCREPANCY?
(Y/N) | DUE TO SOURCE DISCREPANCY?
(Y/N) | DATABASE
Y
N | FIELD EXAMINER |
|----------------------|----------------------------------|-------------------------------------|--------------------|----------------|
| | | | | <i>XY</i> |

REMARKS:

*Claimed POD must be in error - should be as recommended.
Field exam found rock + plastic dam into pipeline.*

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

COUNTY

LOT

1/4

1/4

1/4

65

13E

35

NE

SW

SW

SOURCE: BIRCH CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

SCC

DATE:

3-22-91

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A. ROOT WATER RIGHT NUMBERS: A37-00795

B. POU LISTING

TWP RNG SEC 1/4 1/4 LOT NAME

AJ #/ACRES WR #/ACRES LANDSAT DATA FIELD EXAM. RECOMM. ACRES

| | | | | | | | | |
|------------|----|---------------------|-----------|-------|----------|-------|--|--|
| 06S 13E 34 | SE | FLEMING, MICHAEL J. | A37-00795 | /10.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00796 | /10.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00798 | /10.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03155 | /10.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03157 | /10.0 | 37-03157 | /10.0 | | |
| | | SWENSON, EUGENE P. | A37-04365 | /9.0 | 37-04365 | /9.0 | | |
| | | BOYER, ROY C. | | | 37-00799 | | | |

| | | | | | | | | |
|------------|----|---------------------|-----------|-------|----------|-------|------|--|
| 06S 13E 34 | SE | FLEMING, MICHAEL J. | A37-00795 | /37.0 | 37-00795 | /34.0 | 34.0 | |
| | | FLEMING, MICHAEL J. | A37-00796 | /37.0 | 37-00796 | /34.0 | | |
| | | FLEMING, MICHAEL J. | A37-00798 | /37.0 | 37-00798 | /6.0 | | |
| | | FLEMING, MICHAEL J. | A37-03155 | /37.0 | 37-03155 | /6.0 | | |
| | | FLEMING, MICHAEL J. | A37-03157 | /37.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-07559 | / | 37-07559 | / | | |
| | | TERRY, LILA A. | A37-07559 | / | 37-03156 | /20.0 | | |

| | | | | | | | | |
|------------|----|---------------------|-----------|-------|----------|-------|------|--|
| 06S 13E 35 | SW | FLEMING, MICHAEL J. | A37-00795 | /40.0 | 37-00795 | /40.0 | 12.0 | |
| | | FLEMING, MICHAEL J. | A37-00796 | /40.0 | 37-00796 | /40.0 | | |
| | | FLEMING, MICHAEL J. | A37-00798 | /40.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03155 | /40.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03157 | /40.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-10993 | / | - | | | |
| | | TERRY, LILA A. | | | 37-03156 | /5.0 | | |

| | | | | | | | | |
|-----------|----|---------------------|-----------|-------|---|--|--|--|
| 07S 13E 1 | NW | FLEMING, MICHAEL J. | A37-00795 | /11.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00796 | /11.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00798 | /11.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03155 | /11.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03157 | /11.0 | - | | | |
| | | FLEMING, MICHAEL J. | A36-15094 | /50.0 | - | | | |

| | | | | | | | | |
|-----------|----|---------------------|-----------|------|----------|------|--|--|
| 07S 13E 2 | NW | FLEMING, MICHAEL J. | A37-00795 | /8.0 | - | | | |
| | | FLEMING, MICHAEL J. | A36-10446 | /6.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00796 | /8.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00798 | /8.0 | 37-00798 | /6.0 | | |
| | | FLEMING, MICHAEL J. | A37-03155 | /8.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03157 | /8.0 | - | | | |
| | | ELGAN, DOUGLAS L. | A36-10912 | / | - | | | |

| | | | | | | | | |
|-----------|----|---------------------|-----------|-------|----------|-------|--|--|
| 07S 13E 2 | NE | FLEMING, MICHAEL J. | A37-00795 | /30.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00796 | /30.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-00798 | /30.0 | 37-00798 | /29.0 | | |
| | | FLEMING, MICHAEL J. | A37-03155 | /30.0 | - | | | |
| | | FLEMING, MICHAEL J. | A37-03157 | /30.0 | - | | | |

TOTAL ACRES A37-00795

136.00

74.00

46.00

TOTAL ACRES

NE SE

34

6S. 13E.

2.5

2.5

27.6

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ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

Based on system found in field exam only these acres can be irrigated.

RECOMMENDATIONS:

TOTAL ACRES:

27.6

REVIEWED BY:

See

DATE:

3-22-91

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A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|----------------------|-------------------------------------|--------------------|
| A37-00795 IRRIGATION | FROM 04-01 TO 10-01 | .700 CFS |
| A37-00795 STOCKWATER | FROM 01-01 TO 12-31 | .050 CFS |
| | TOTAL DIVERSION RATE/VOLUME CLAIMED | .700 CFS |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|---------------------|-------------------------------------|--------------------|
| 37-00795 IRRIGATION | FROM TO | .700 CFS |
| | TOTAL DIVERSION RATE/VOLUME CLAIMED | .700 CFS |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|--|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | Y | N |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y | Y |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y | N |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y (X) N ()

RECOMMEND TO WR STANDARDS OR OTHER?

Y () N (X) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.700 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.700 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A37-03155, ~~A37-03157~~, A37-00796, A37-00798

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE: ~~Del.~~

~~A36-10446, A36-15094~~
~~Del.~~

| CLAIM | SOURCE | NAME | DIV. RATE | RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------------------|---------------------|-----------|-----------|-----------|----------------|
| A37-00795 | BIRCH CREEK | FLEMING, MICHAEL J. | 0.700 | 0.005 | | |
| A37-00796 | BIRCH CREEK | FLEMING, MICHAEL J. | 0.700 | 0.005 | | |
| A37-03157 | BIRCH CREEK, SOUTH FORK | FLEMING, MICHAEL J. | 0.200 | 0.001 | | |
| A37-04365 | UNNAMED STREAM | SWENSON, EUGENE P. | 0.500 | 0.055 | | |
| A36-15094 | WASTEWATER | FLEMING, MICHAEL J. | 1.000 | 0.020 | | |
| A36-10446 | SPRING | FLEMING, MICHAEL J. | 0.700 | 0.116 | | |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------------|---------------------|---------------------|------------|--------|
| A37-00795 | STOCKWATER | FLEMING, MICHAEL J. | FROM 01-01 TO 12-31 | .050 CFS | |
| A37-07559 | FISH PROPAGATION | FLEMING, MICHAEL J. | FROM 01-01 TO 12-31 | 10.000 CFS | |
| A37-10993 | DOMESTIC | FLEMING, MICHAEL J. | FROM 01-01 TO 12-31 | .060 CFS | |
| A37-10993 | STOCKWATER | FLEMING, MICHAEL J. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10912 | DOMESTIC | ELGAN, DOUGLAS L. | FROM 01-01 TO 12-31 | .040 CFS | |

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 27.6 x 0.02 CFS/ACRE = 0.552 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y () N ()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N () ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE =

AF/A

ACRES 27.6 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 82.8 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME =

AF/A

ACRES 27.6 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 110.4 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y () N ()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

WR Proportion =

$$\frac{0.7 \text{ cfs}}{77 \text{ Ac.}} = 0.009 \text{ cfs/Ac.}$$

$$27.6 \times 0.009 = 0.248 \text{ cfs/Ac.}$$

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RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|------------------|------------------------|----------------------|-----------------------|-------------------|
| IRRIGATION | 4-1 10-1 | 0.25 | 110.4 | 82.8 |
| STOCK WATER | 1-1 12-31 | 0.05 | 110.4 | 82.8 |

TOTAL FOR THIS RIGHT

REVIEWED BY: SeeDATE: 3-22-91

(limited on p. 10.)
combined

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED (X) (X) (X)
NEEDS REVIEW () (X) (X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-00795

TOTAL DIVERSION RATE OF WR SPLITS
DATABASE 0.700

EXAMINER _____
CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A37-00795 | 0.700 | - | 0.25 | 37-00795 | 0.700 |
| TOTAL CFS | | 0.700 | 0.45 | | | |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

FIELD EXAMINER _____
DATABASE Y

REMARKS:

AUTHENTICATION:

SIGNATURE: Steve Cella DATE: 3-22-91

NAME OF FIELD EXAMINER: _____ TITLE: _____

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Water Right Number - 37-00795 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SWINEHART

HARRY E.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/30/1878 17 D - DECREED

+ - - Source - - - - - + + - - - - Tributary - - - - - SNAKE RIVER

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)

Twn Rng Sec Tract Lot RFlg County

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate Diversion Volume

01 - IRRIGATION

0.700

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.700

+ - - - - - - - - - - - Place of Use - - - - - Description County

| | | | | | | | | |
|-----|-----|----|-------|------|----|------------|----|---------|
| 06S | 13E | 34 | NE SE | 3.0 | 01 | IRRIGATION | 47 | GOODING |
| 06S | 13E | 34 | SE SE | 34.0 | 01 | IRRIGATION | 47 | GOODING |
| 06S | 13E | 35 | SW SW | 40.0 | 01 | IRRIGATION | 47 | GOODING |

Total Acres: 77.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +
P/U INCOMPLETE. SEE FILE.

+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - - - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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FEB 23 1993

Microfilm Roll Number -