

03/04/2005

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

RIGHT NUMBER: 37-796

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

PRIORITY DATE: 06/30/1880

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>
IRRIGATION	03/15 11/15	0.700 CFS

PLACE OF USE: 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

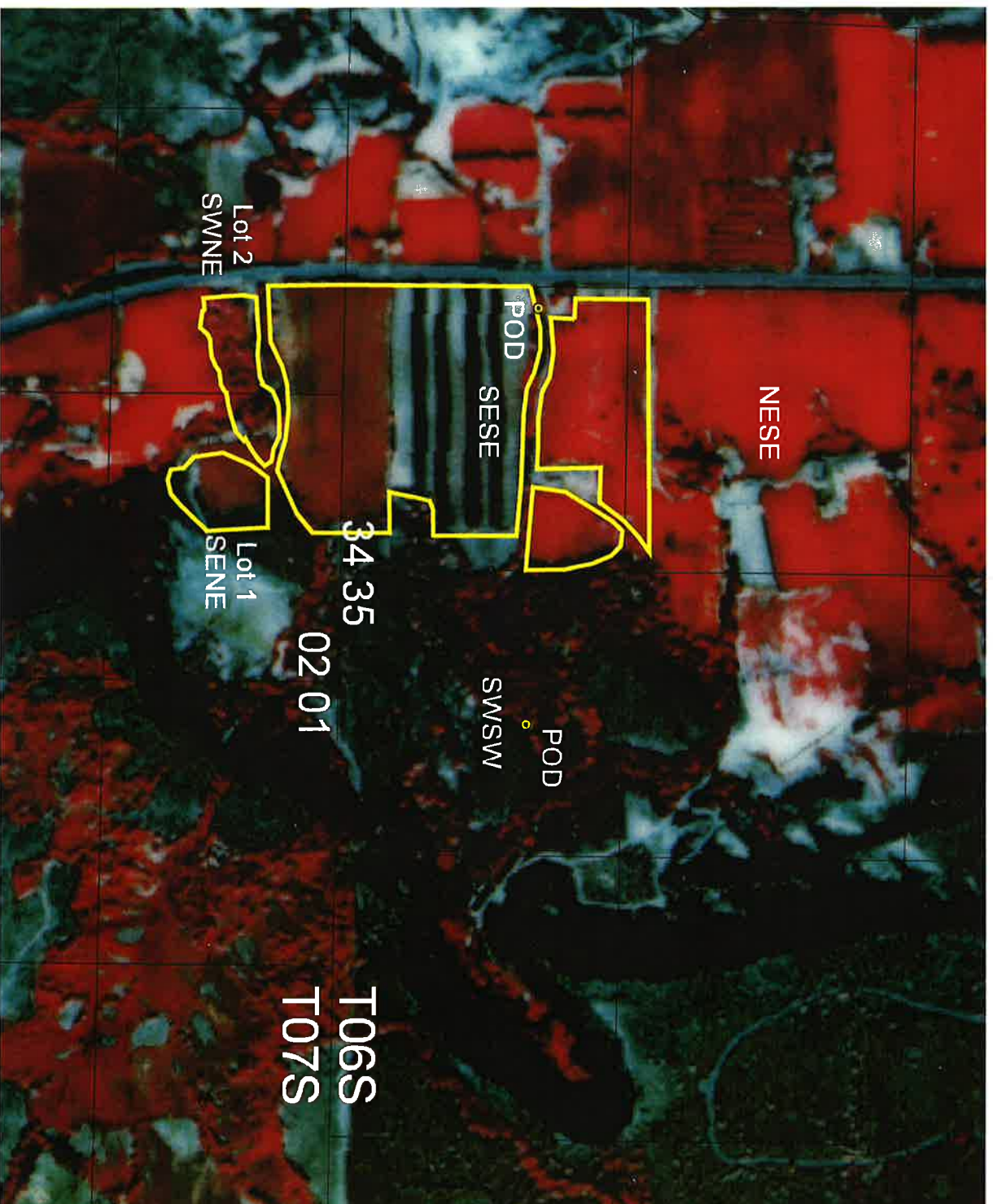
Right nos. 37-795, 37-796 and 37-798 are limited to the irrigation of a combined total of 48.6 acres in a single irrigation season.

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

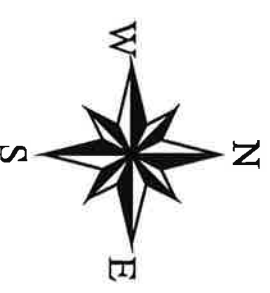
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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: A37-00796
Date Received: 8/15/1988
Receipt No: S001436
Received By:

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, 1880

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	SW	SW		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

A37-00796

Page 1

Date: 08/15/88

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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, A37-00795, 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.

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Idaho
Power

C 9
(651c)

B
16.6(630c)

C
13.3

D
3.1

F
3.5

E
17.4

G
1.8

J
6.6

K
3.8

L
3.0

2.2

C
3.1

D
2.6

E
4.2

F
2.5

H
15.8

I
4.5

M
3.9

I
4.2

H
2.1

G
1.3

D
1.5

I
1.7

L
1.3

B
8.6

A
2.5

P
2.4

C 19
(595c)

C
1.9

C 35

(519c)

C 34
(1010c)

A
4.5

C
15.2

A
13.4

34

35

21

C 317
(546c)

B
2.7

B
7.0

C 196

B
3.5

B
1.8

C
1.4

C 315
(649c)

C 36
(596c)

B
5.7

C
3.2

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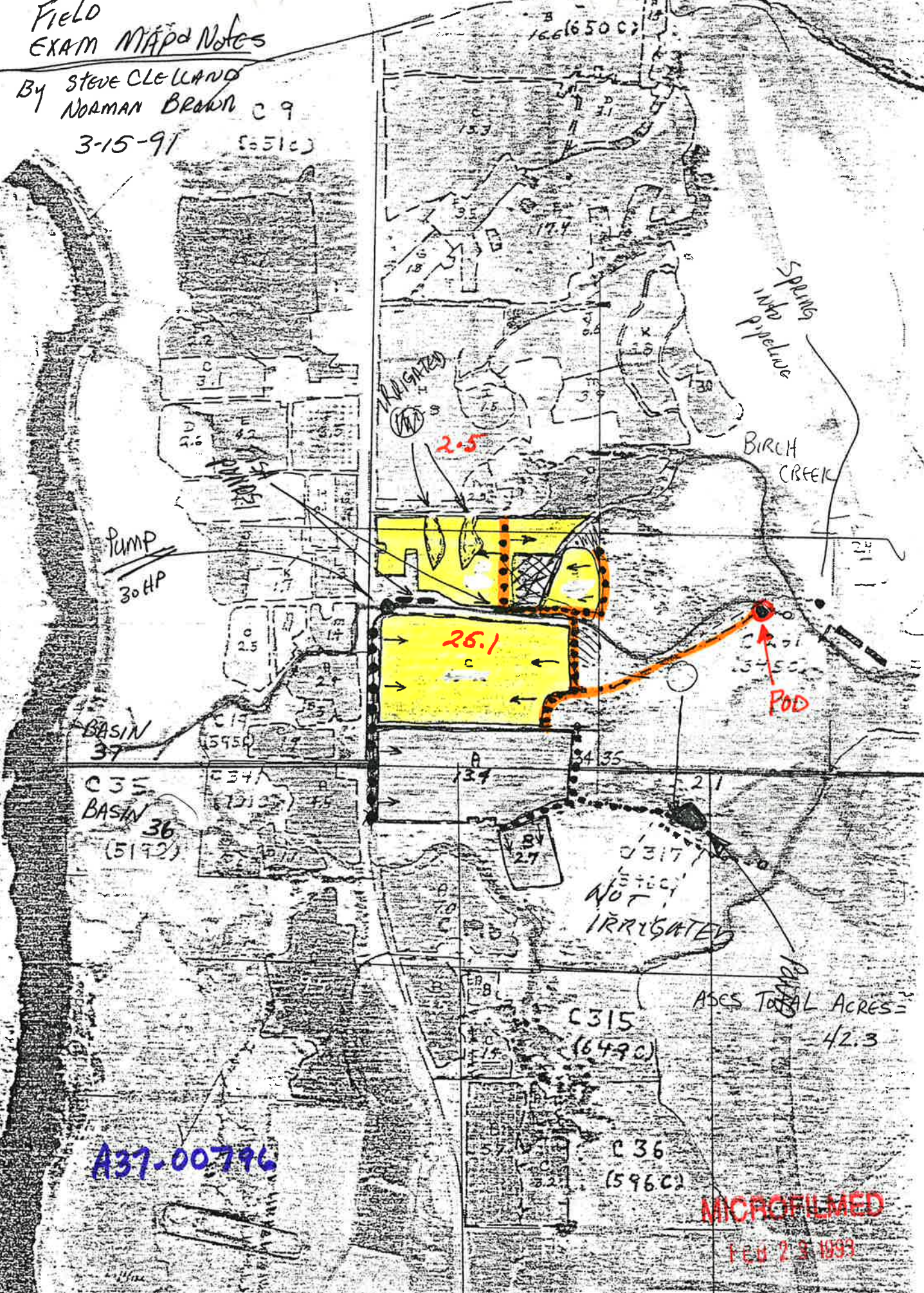
"NOT TO SCALE"

Field
EXAM MAP Notes

By STEVE CLELLAND
NORMAN BROWN C 9

3-15-91 (5510)

FOR MICHAEL FLEMING



A37-00796

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44.0

Estimated acres
Based on
- ASCS figures
- confirmed w/
NAPP
photo

BIRCH
CREEK

~~BASIN~~
~~37~~

C35
BASIN 36
(5172)

A37-00796

ASCS TOTAL ACRES =

42.3

236
1596C

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:49:13
09/18/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-00796

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			3-18-91 SCC/NB	N			DB	
POINT OF DIV	Y			N	1,5			
SOURCE				N				
PLACE OF USE	Y			Y	1,2,4,5			
DIV. AMOUNT CFS/VOLUME	Y			Y	6. Donee			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			Y				
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.

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Replaced by CCVR 11-26-02 CD
See memo from Allen Merritt dated 5-8-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:49:13
09/18/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-00796

LAST: FLEMING
ADDRESS: RT 1 BOX 7
CITY: HAGERMAN
PHONE NUMBER: 208-837-4934
FIRST: MICHAEL J.
STATE: ID ZIP: 83332

OWNER CODE: C
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y FIELD EXAMINER

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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PRIORITY DATE REVIEW PAGE

A. AJ CLAIM: # A37-00796 PRIORITY DATE: 06-30-1880 STAGE: D
B. WR RECORD: # 37-00796 PRIORITY DATE: 06-30-1880 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER FIELD
N N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y () N (X)

REMARKS:

RECOMMENDED PRIORITY DATE:
06-30-1880

REVIEWED BY SCU DATE 3-22-91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-00796	06S	13E	35	NE	SW	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A37-10993	NONE
A36-10912	
A37-12825	
A37-12238	

WR RECORDS IN SAME 40 ACRE TRACT

37-00798
37-03155
37-03156
37-03157
37-04365
37-04366
37-07116

SOURCE: BIRCH CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

3700796 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BIRCH CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE
DUE TO SOURCE DISCREPANCY?	(Y/N)	

FIELD EXAMINER



REMARKS:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY
---	---	---	---	---	---	---
---	---	---	---	---	---	---
---	---	---	---	---	---	---

OK

SOURCE: BIRCH CREEK

TRIB: SNAKE RIVER

REVIEWED BY: SEC

DATE: 3-22-91

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A. ROOT WATER RIGHT NUMBERS: A37-00796

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	SW	SE		FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. SWENSON, EUGENE P. BOYER, ROY C.	A37-00796 /10.0 A37-00795 /10.0 A37-00798 /10.0 A37-03155 /10.0 A37-03157 /10.0 A37-04365 / 9.0	- - - - 37-03157 /10.0 37-04365 / 9.0 37-00799 /		~~Ø~~	~~Ø~~
06S	13E	34	SE	SE		FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. TERRY, LILA A.	A37-00796 /37.0 A37-00795 /37.0 A37-00798 /37.0 A37-03155 /37.0 A37-03157 /37.0 A37-07559 / A37-07559 / A37-03156 /20.0	37-00796 /34.0 37-00795 /34.0 37-00798 / 6.0 37-03155 / 6.0 - 37-07559 / 37-03156 /20.0	34.0	25.1	25.1
06S	13E	35	SW	SW		FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. TERRY, LILA A.	A37-00796 /40.0 A37-00795 /40.0 A37-00798 /40.0 A37-03155 /40.0 A37-03157 /40.0 A37-10993 / A37-10993 /	37-00796 /40.0 37-00795 /40.0 - - - 37-03156 / 5.0	12.0	~~Ø~~	~~Ø~~
07S	13E	1	NW	NW		FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J.	A37-00796 /11.0 A37-00795 /11.0 A37-00798 /11.0 A37-03155 /11.0 A37-03157 /11.0 A36-15094 /50.0	- - - - - -		~~Ø~~	~~Ø~~
07S	13E	2	NW	NE		FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. ELGAN, DOUGLAS L.	A37-00796 / 8.0 A36-10446 / 6.0 A37-00795 / 8.0 A37-00798 / 8.0 A37-03155 / 8.0 A37-03157 / 8.0 A36-10912 /	- - - 37-00798 / 6.0 - - -		~~Ø~~	~~Ø~~
07S	13E	2	NE	NE		FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J. FLEMING, MICHAEL J.	A37-00796 /30.0 A37-00795 /30.0 A37-00798 /30.0 A37-03155 /30.0 A37-03157 /30.0	- - 37-00798 /29.0 - -		~~Ø~~	~~Ø~~
TOTAL ACRES							136.00	74.00	46.00		

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NESE

S. 34

13E.

6S

2.5

2.5

27.6

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:

See A37-00795

RECOMMENDATIONS:

TOTAL ACRES:

27.6

REVIEWED BY:

SCC

DATE:

3-22-91

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A. AJ CLAIMED USES:

PURPOSES
A37-00796 IRRIGATION
~~A37-00796 STOCKWATER~~

MONTH/DAY
FROM 04-01 TO 10-01
~~FROM 01-01 TO 12-31~~

DIVERSION QUANTITY
.700 CFS
~~.050 CFS~~
.700 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

B. WR RECORDED USES:

PURPOSES
37-00796 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
.700 CFS
.700 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

per Denver

Y () N (X)
Y (X) N ()

Explain in remarks, below.

REMARKS:

*Stock water use is met under A37-00795 with an earlier priority
same source, system + delivery.*

Y(~~X~~) N()

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

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~~, A37-00795, A37-00798

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-00796	BIRCH CREEK	FLEMING, MICHAEL J.	0.700	0.005		
A37-00795	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
A37-00796	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 proportional Rate:

$$\frac{0.70 \text{ cfs}}{77 \text{ Ac.}} = 0.009 \text{ cfs/Ac.}$$

$$0.009 \times 27.6 = 0.25 \text{ cfs}$$

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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
		0.25	110.4	82.8

TOTAL FOR THIS RIGHT

REVIEWED BY: SeeDATE: 3-22-91

(*limited as per
when as per*)

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP

FORFEIT/ABANDON

ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED

(X)

()

(X)

NEEDS
REVIEW

()

(X)

()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-00796

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

DATABASE
0.700

EXAMINER

CFS

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATEWR RIGHT
NUMBERSDIVERSION
RATE

A37-00796

0.700

0.25

37-00796

0.700

TOTAL CFS

0.700

0.45

FIELD
EXAMINER

0.700

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)

REMARKS:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

FEB 23 1993

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Water Right Number - 37-00796 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 - - - + 17 + - - Stage - - - + Status - - - +
06/30/1980 D - DECREED

+ - - Source - - - + + - - Tributary - - - - - +
BIRCH CREEK SNAKE RIVER

+ - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)

+ - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To 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 - - - - - +
Twn Rng Sec Tract Lot Acres Code 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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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/18/90 13:50:57
Page 2

| | | | |
|--------------------------|----------|--------------------------|---|
| Water right number - | 37-00796 | Adj. flag translation: | Standard Water Right Number |
| + - - - Decree Plaintiff | - - - + | + - - - Decree Defendant | - - - + |
| SWINEHART ET. AL. | | VADER ET. AL. | |
| + - - - Audit Fields - | 02/11/86 | 05/28/88 | CONVERT |
| + - - - | - - - | - - - | Water Rights Dates and Flags Area - - - - - |

| | | | | | |
|------------------|--------------|------------------|--------------|-----------------------|------|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 12/23/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 37 |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 12/14/1917 | Presumption Flag | - | Microfilm Roll Number | - |

MICROFILMED
FEB 23 1993

AJ0749NP
No. R37-00796

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 | 06/30/1980 | IRRIGATION | 04-01 10-01 | 0.250 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

NESWSW

GOODING County

Place of use Legal Description for: IRRIGATION

| | NE | NW | SW | SE | SUM |
|-------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| T R S | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac |
| 06S 13E 34 | : | : | : | : | : |
| TOTAL ACRES | 25 | 27.6 | 27.6 | 27.6 | 27.6 |

POU County: GOODING

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

Other Rights: 37-00795, 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

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

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

RECEIVED

SEP 02 1999

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, MAP 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.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R37-00796 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 State- ID Zip- 83332
Phone - 208-837-4934+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/30/1980 17 Error in Region D - DECREED+ - - - - Source - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK SNAKE RIVER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rplg County (Blank if no Index Code)

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

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code Period From Period To 0.250 10/01 0.250 110.4001 - IRRIGATION 04/01 10/01 + - 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 01 IRRIGATION (47) GOODING
06S 13E 34 NE SE 2.5 01 IRRIGATION (47) GOODING
06S 13E 34 SE SE 25.1 01

Total Acres: 27.6

+ - - Diversion Means -

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

+ - - Other Rights for Same Use - 37-00795, 37-00798, 37-03155

+ - - - - - Remarks - - - - - +
TOTAL CFS=2.74 WHEN COMBINED WITH OTHER WATER RIGHTS.+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

MICROFILMED

FEB 23 1993

MICROFILMED
FEB 23 1993

6/9/94

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.

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 permitees that are willing to have their beneficial use examined today.

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.

FLEMING RIGHTS

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