

05/21/2010

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

RIGHT NUMBER: 27-12189

NAME AND ADDRESS: GARY L PRATT
486 E WEEDING LN
BLACKFOOT ID 83221

MARK B PRATT
279 N 400 E
BLACKFOOT ID 83221

SOURCE: SPRINGS

TRIBUTARY: BRUSH CREEK

QUANTITY: 0.090 CFS

PRIORITY DATE: 08/02/1891

POINT OF DIVERSION:

T03S R39E S26 SWSE Within BINGHAM County

T03S R39E S26 SWSE Within BINGHAM County

T03S R39E S27 SESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.090 CFS

PLACE OF USE:

IRRIGATION in BINGHAM County

T03S R39E S26	SWSW	3.20	T03S R39E S26	SESW	4.00
T03S R39E S27	SESE	5.20	T03S R39E S34	NENE	13.60
T03S R39E S34	NWNE	6.40	T03S R39E S34	SWNE	13.60
T03S R39E S34	NESW	10.00	T03S R39E S34	NWSE	22.80
T03S R39E S34	SWSE	2.40			

81.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 81.2 acres in a single irrigation season. Combined Right Nos.: 27-56, 27-10728, and 27-12189.

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



Idaho Department of Water Resources

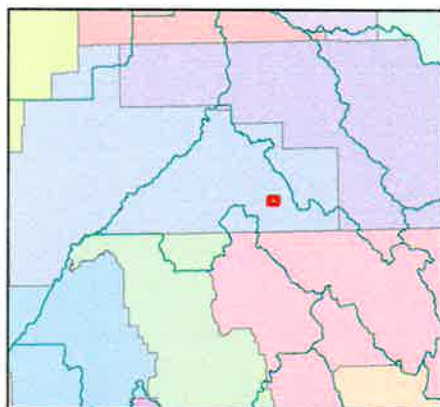
Adjudication Recommendation

27-12189

(IRRIGATION)

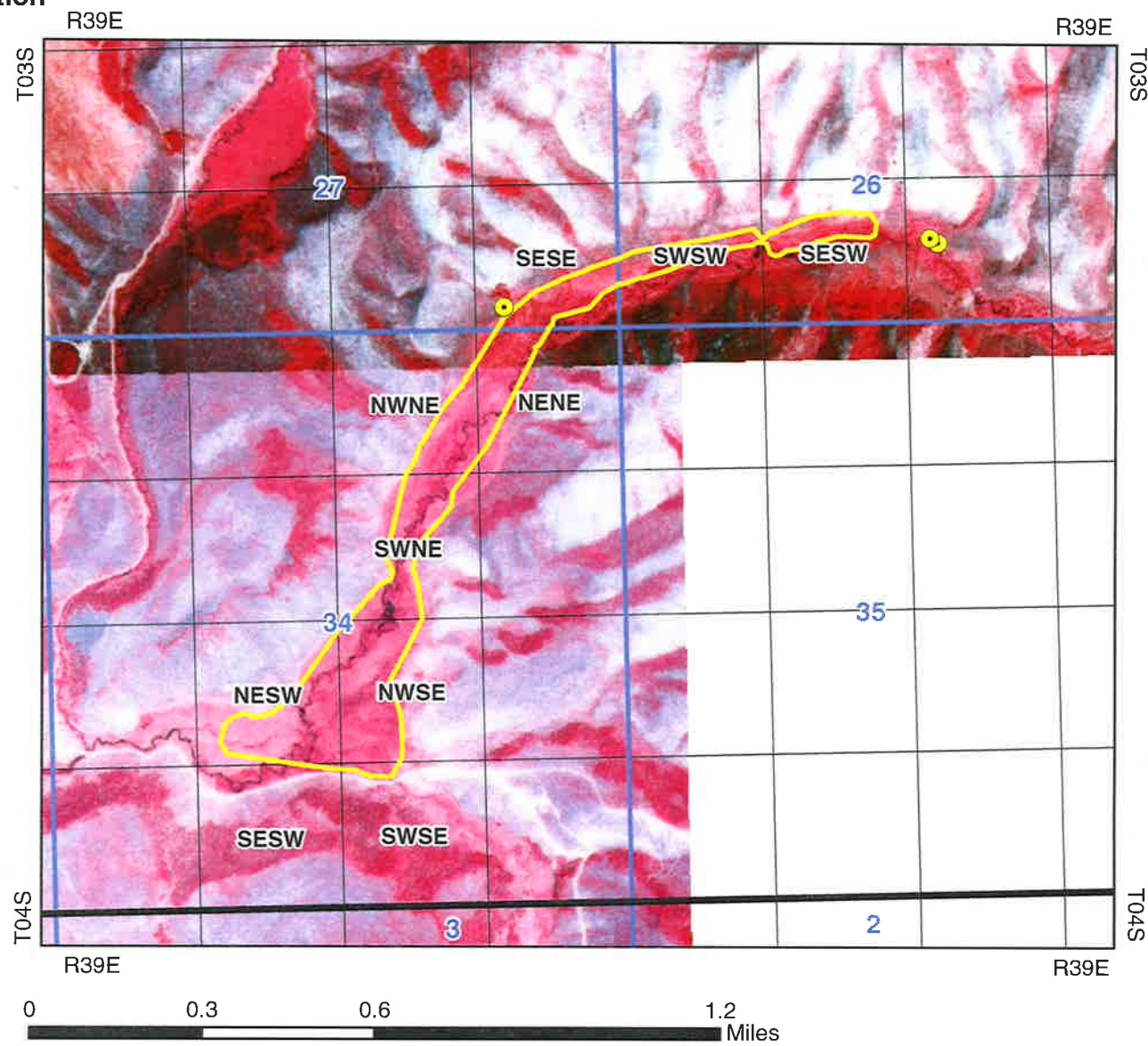
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bingham County
IDWR Basin 27

Prepared by Michael Holliday
On May 21, 2010
1987/88 Aerial Photography



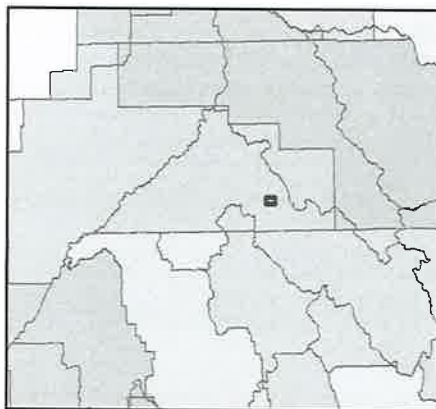


Idaho Department of Water Resources

Adjudication Claim
27-12189
(IRRIGATION)

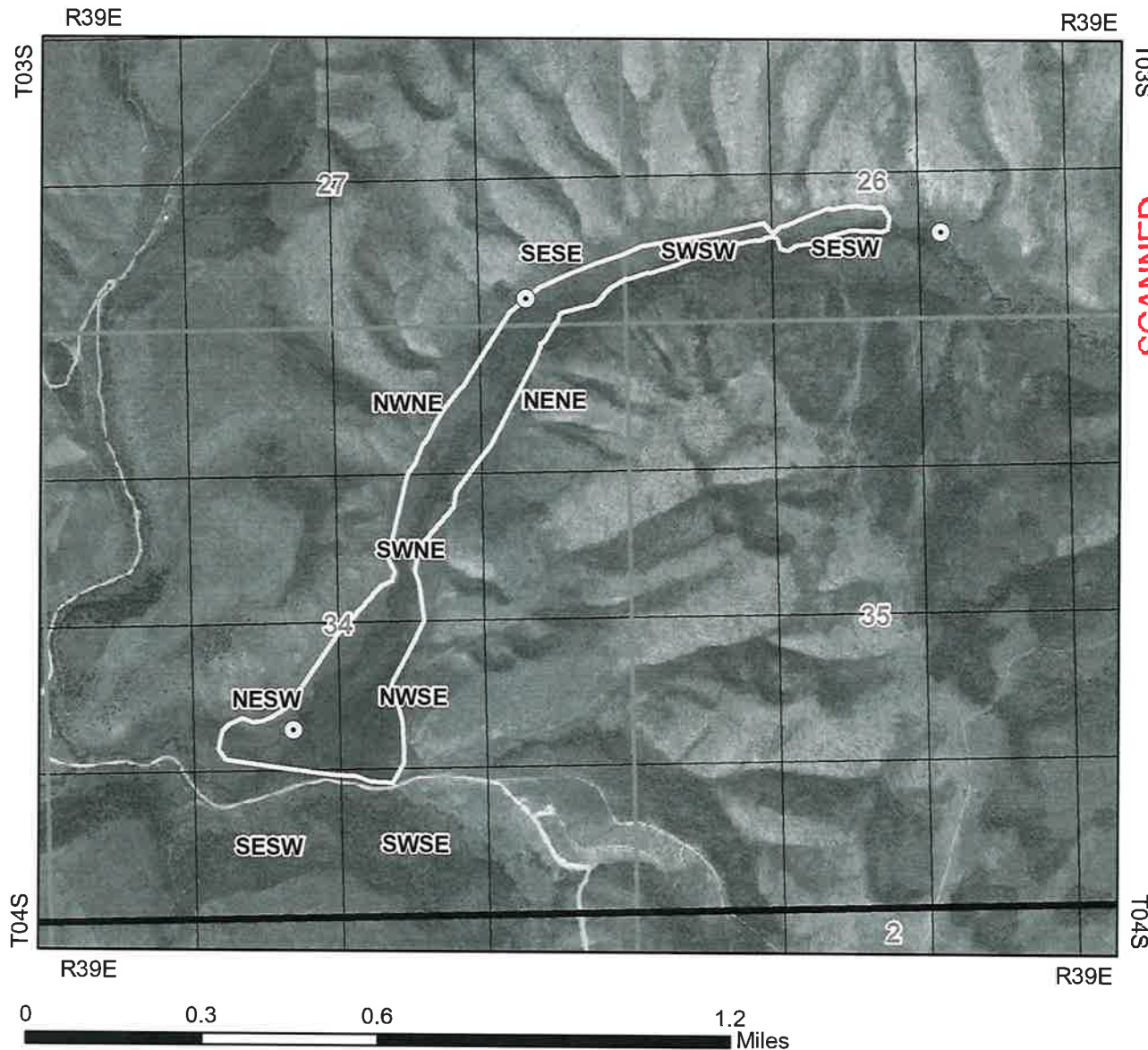
Legend

- Point of Diversion
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- State Outline
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- PLS Sections
- Quarter Quarters
- Taxlots



Bingham County
IDWR Basin 27

Prepared by Nathaniel Arave
On March 11, 2009
2004 Aerial Photography



Owner: Gary L Pratt

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

SCANNED

JUL 7 6 2009

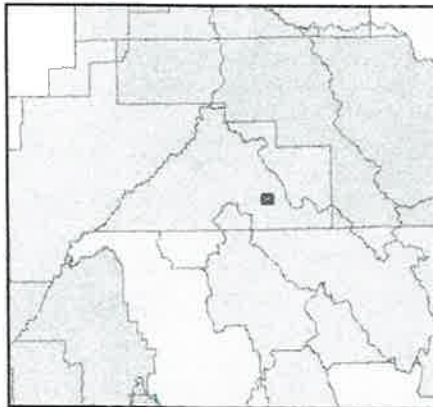


Idaho Department of Water Resources

Adjudication Claim
27-12189
(IRRIGATION)

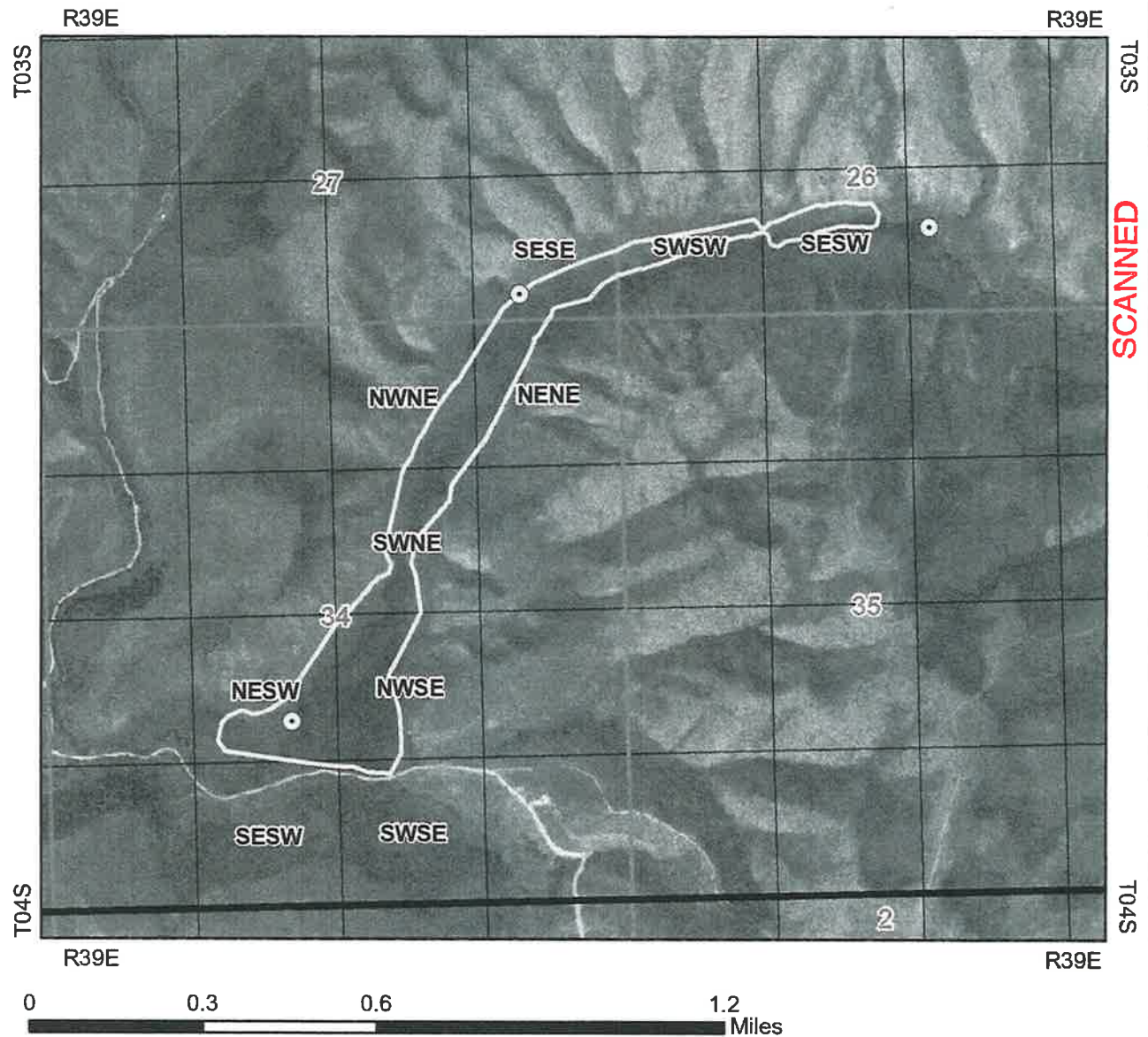
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IDWR Basin 27

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SCANNED

MAR 16 2009



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District

DISCHARGE MEASUREMENT NOTES

Meas. No. _____

Comp. by _____

Checked by _____

Station No. _____

Date 5/21/2010 Party HOLLIDAY

Width _____ Area _____ Vel. _____ G.H. _____ Discharge 0.09

Method _____ No. Secs. _____ G.H. chng _____ in _____ hrs. Susp. _____

Method coef. _____ Hor. Angle coef. _____ Susp. Coef. _____ Meter No. _____

GAGE READINGS				
Time	Recorder	Inside	Outside	
				Type of meter <u>PYGMY</u>
				Date Rated _____ for rod, other
				Meter _____ ft above bottom of weight
				Spin before Meas. _____ after _____
				Meas. plots _____ % diff. from rating _____
				Wading, cable, ice, boat, upstr., downstr., side
				bridge _____ feet, mile, above, below
				gage, and _____
				Check-bar, found _____
				changed to _____ at _____
Weighted M.G.H.				Correct _____
G.H. correction				Levels obtained _____
Correct M.G.H.				

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%) based on following conditions: cross section _____

Flow _____ Weather MOSTLY CLDY

Other _____ Air 50 °F@ _____

Gage _____ Water _____ °F@ _____

Record removed _____ Intake flushed- U / L _____

Observer _____

Control _____

Remarks DISCHARGE IS TOTAL Q FROM

River at --											
Angle co-efficient	Dist from initial point	Width	Depth	Observation depth	Revolutions	Time in Seconds	VELOCITY		Adjusted for Horizontal Angle or	Area	Discharge
							At point	Mean in vertical			
SPRING 1											
REW	1.0										
	1.25	0.5	0.10		50	49	1.02			0.05	0.05
LEW	1.5										
SPRING 2											
REW	1.0										
	1.25	0.5	0.10		23	41	0.56			0.05	0.03
LEW	1.5										
SPRING 3											
REW	1.0										
	1.2	0.4	0.08		19	42	0.45			0.03	0.01
LEW	1.4										
										TOTAL 0.09	

FIELD EXAM NOTES

27-12-189

M. HOLLIDAY

ACCOMPANIED BY MARK PRATT.

5/21/2010

Visited spring located in NESW. Although the spring was claimed, it did not measure it because Mark explained that it is not diverted.

We made a 4-wheelbar to 3 other springs, all of which are intercepted by an irrigation ditch that carries other rights diverted out of Branch Creek.

Plotted GPS points, took photos, and conducted measurements with a pigmy meter. Total flow from the 3 springs was 0.09 cfs. Mark indicated that the flow from the springs does not fluctuate.

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 27-12189

Staff	Date	Activity	Times	Hours
S. Sherman	7-30-09	✓ dm, d.e., recit, Corres.		.5
- needs a field ^{GPS} PODs exam. (Q meas only) - combined limit w/ 27-56 + 27-10728 ✓ - priority date 8/2/1891 1 day > done ✓				
- need to update PODs based on GPS - need to update Q based on meas. - need to do summary page, everything else is done!				



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 4, 2009

✓ GARY L PRATT
486 E WEEDING LN
BLACKFOOT ID 83221

MARK B PRATT
279 N 400 E
BLACKFOOT ID 83221

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #27-12189

Dear Claimants:

The Notice of Claim you filed was received from the SRBA Court recently. I have enclosed receipt #C089047 for the fees you paid. Please retain the receipt for your file.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state

Enclosure:

Receipt Referenced Above

SCANNED
AUG - 4 2009



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AUG - 4 2009





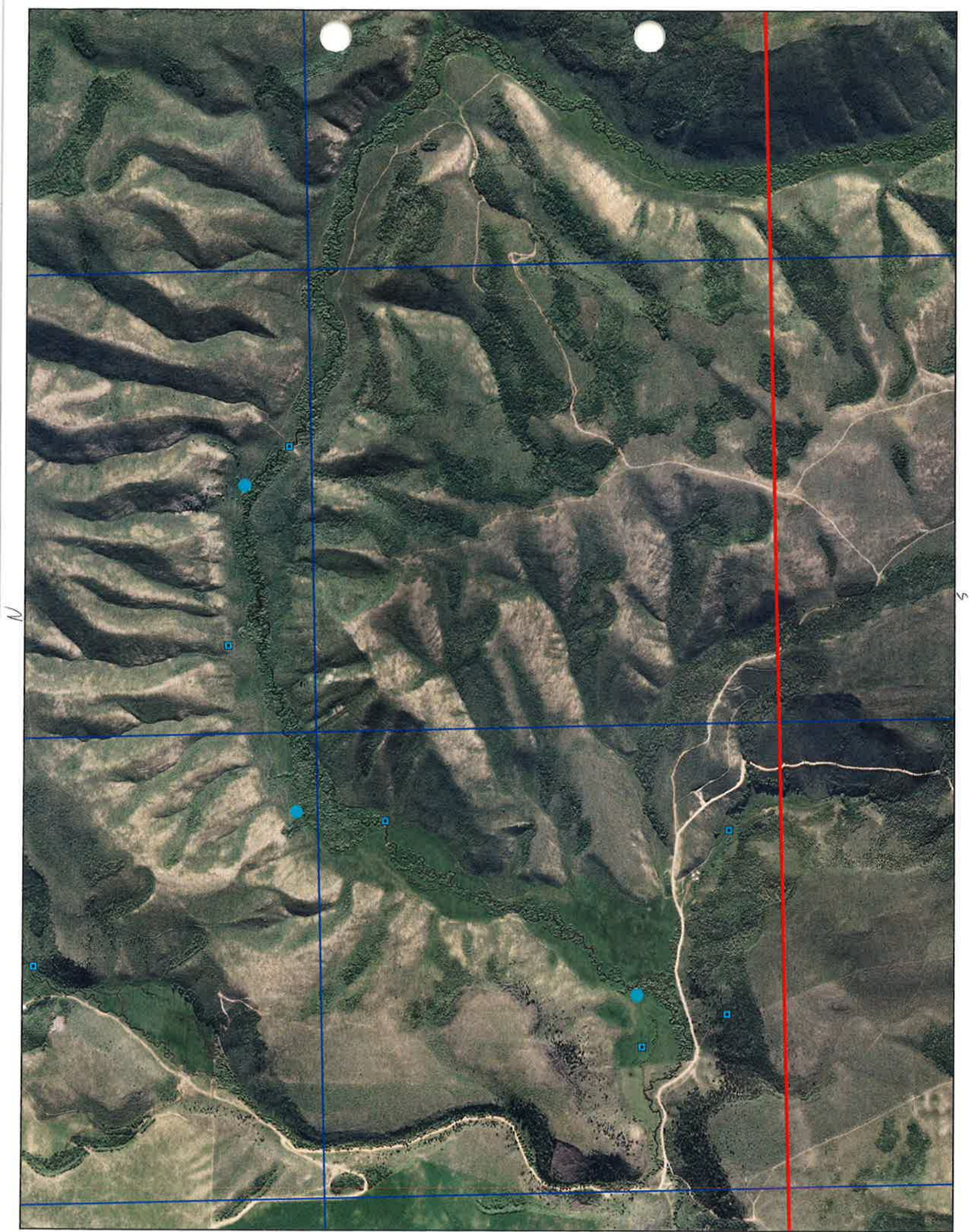


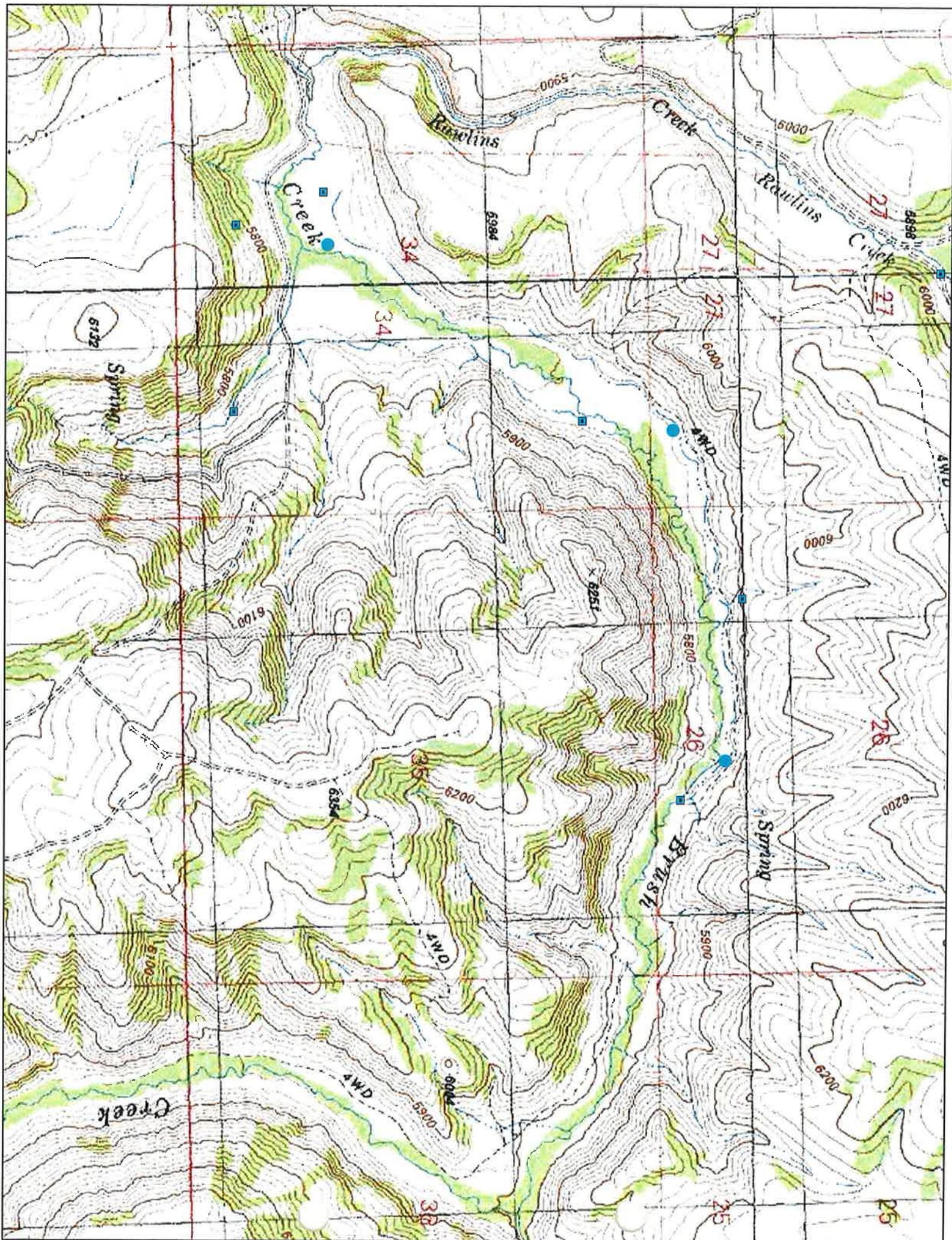
DITCH



B

3





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 27-12189
Date Received:
Receipt No: C089047
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

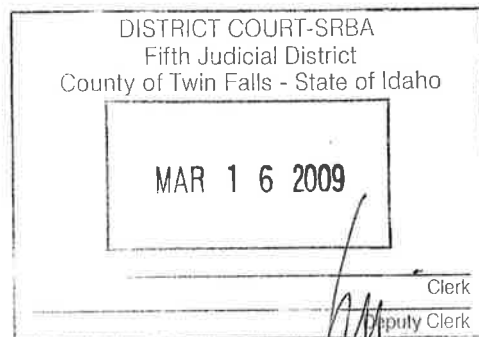
1. Name of Claimant(s)

GARY L PRATT Phone: (208)785-4245

486 E WEEDING LN
BLACKFOOT ID USA 83221

MARK B PRATT Phone: (208)785-6597

279 N 400 E
BLACKFOOT ID USA 83221



2. Date of Priority: 06/01/1885

3. Source: SPRINGS , SPRINGS , SPRINGS Trib. to: BRUSH CREEK , BRUSH CREEK ,
BRUSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03S	29E	26	NW	SW	SE	BINGHAM	
03S	29E	27	SW	SE	SE	BINGHAM	
03S	29E	34	SE	NE	SW	BINGHAM	

5. Description of diverting works:

springs drain directly into ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
---------	------	----	--------	------------

IRRIGATION

04/01 10/31 3.05

7. Total Quantity Appropriated is:
3.05 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	39E	26	SW	SW	IRRIGATION	3.2
			SE	SW	IRRIGATION	4
					Section Acres	7.2
03S	39E	27	SE	SE	IRRIGATION	5.2
					Section Acres	5.2
03S	39E	34	NE	NE	IRRIGATION	13.6
			NW	NE	IRRIGATION	6.4
			SW	NE	IRRIGATION	13.6
			NE	SW	IRRIGATION	10
			NW	SE	IRRIGATION	22.8
			SW	SE	IRRIGATION	2.4
					Section Acres	68.8
					Total Acres	81.2

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: 27-56 & 27-10728

14. Remarks:

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): Gary Pratt Date: 3/12/09

Date: _____

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12TH day
of March 2009



Notary Public

Residing at aldaho Falls

My commission Expires July 24, 2013

RECEIVED
JUL 24 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 23 2009	
By _____	Clerk _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase: 27-12189

Case No. 39576

)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)
)

On March 16, 2009, Gary L. Pratt and Mark B. Pratt filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on July 21, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated July 23, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on July 23, 2009, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARK B PRATT
279 N 400 E
BLACKFOOT, ID 83221
Phone: 208-785-6597

GARY L PRATT
486 E WEEDING LN
BLACKFOOT, ID 83221
Phone: 208-785-4245

ORDER

Page 1 7/23/09

FILE COPY FOR 00710

Deputy Clerk

SCANNED

JUL 26 2009

RECEIVED

MAR 16 2009

DEPARTMENT OF
WATER RESOURCES

Hearing: 6-16-09

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Not made proper

In Re SRBA

Claim Complete

Subcase 27-12189

(Insert water right number)

Fees: Ok.

Case 39576

L. Smith

STANDARD FORM 4

3-27-09

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is GARY PEATT

My address is 486 E Winding LANE, BLACKFOOT IDA.
8322

My phone number is: Work _____ Home 785-4245

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

IT WAS OUR belief THAT
THE SPRING WATER WAS PART
OF THE LAND.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

see 27-56 3 27-10728

I have attached:

☒ A fully completed Notice of Claim (available from IDWR).

☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 110.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bingham

GARY TRATT
(Insert name of person filing form)

, being first duly sworn, upon oath, deposes and says:

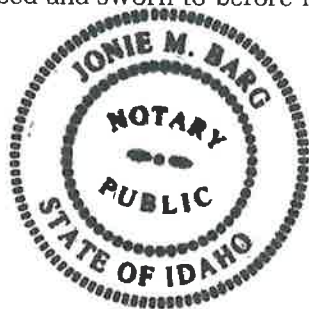
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Gary Pratt
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on

March 12, 2009
(Insert Date)



Jonie M. Barg
Notary Public for State of Idaho
Residing at: Idaho Falls
My Commission expires: July 24, 2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on MARCH 13, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

fee

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

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 27-12189
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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GARY L PRATT Phone: (208) 785-4245

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BLACKFOOT ID USA 83221

MARK B PRATT Phone: (208) 785-6597

279 N 400 E
BLACKFOOT ID USA 83221

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BRUSH CREEK

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03S	29E	27	SW	SE	SE	BINGHAM	
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
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IRRIGATION

04/01 10/31 3.05

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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			SE	SW		IRRIGATION	4
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03S	39E	27	SE	SE		IRRIGATION	5.2
						Section Acres	5.2
03S	39E	34	NE	NE		IRRIGATION	13.6
			NW	NE		IRRIGATION	6.4
			SW	NE		IRRIGATION	13.6
			NE	SW		IRRIGATION	10
			NW	SE		IRRIGATION	22.8
			SW	SE		IRRIGATION	2.4
						Section Acres	68.8
			Total Acres	81.2			

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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):

Gary Pratt

Date: 3/12/09

Date: _____

State of Idaho

County of

Bonneville

) SS.

Subscribed and sworn (or affirmed) before me this
of March 2009

12TH days

Jonie M. Bargo
Notary Public

Residing at

Idaho Falls

My commission Expires

July 24, 2013

