

01/20/2003

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

RIGHT NUMBER: 29-72D

NAME AND ADDRESS: THERON PAUL DAVIDS JR
PO BOX 715
LAVA HOT SPRINGS ID 83246

SOURCE: TWENTYFOUR MILE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.510 CFS

PRIORITY DATE: 08/08/1882

POINT OF DIVERSION:

T06S R39E S15 SESWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 09/15

0.510 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

T06S R39E S28 SWNE 40.0

40 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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

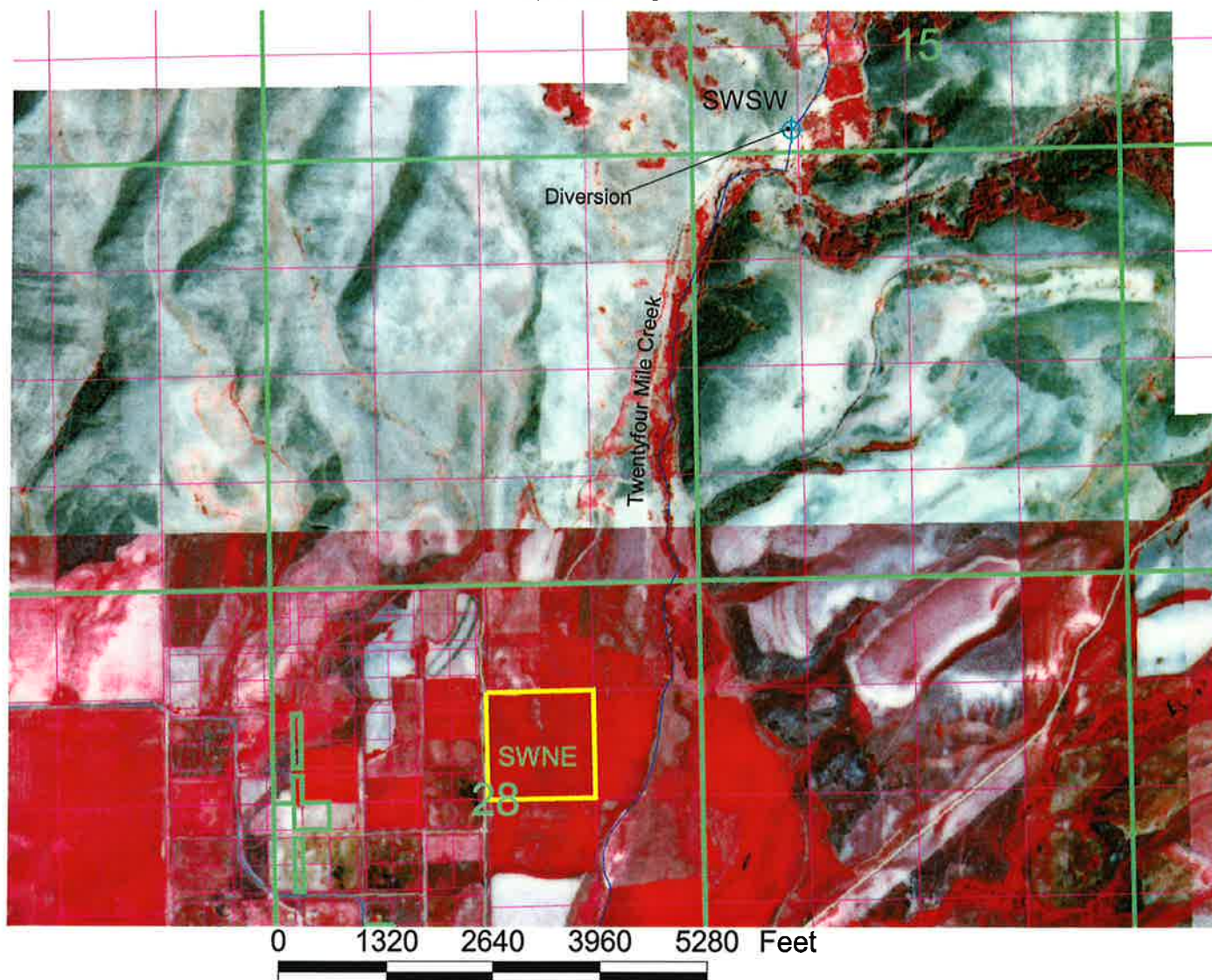
Use of this right is combined with water from Chesterfield Canal and Reservoir Company.



Department of Water Resources

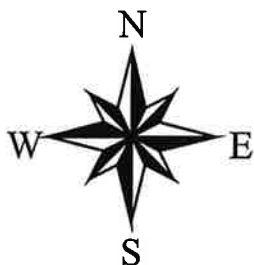
Claim No.: 29-72D

Twp 06S, Rge 39E



Irrigated Acres = 40

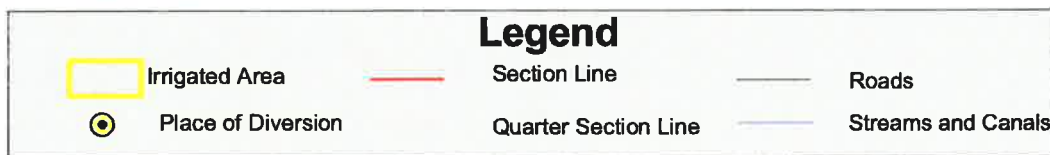
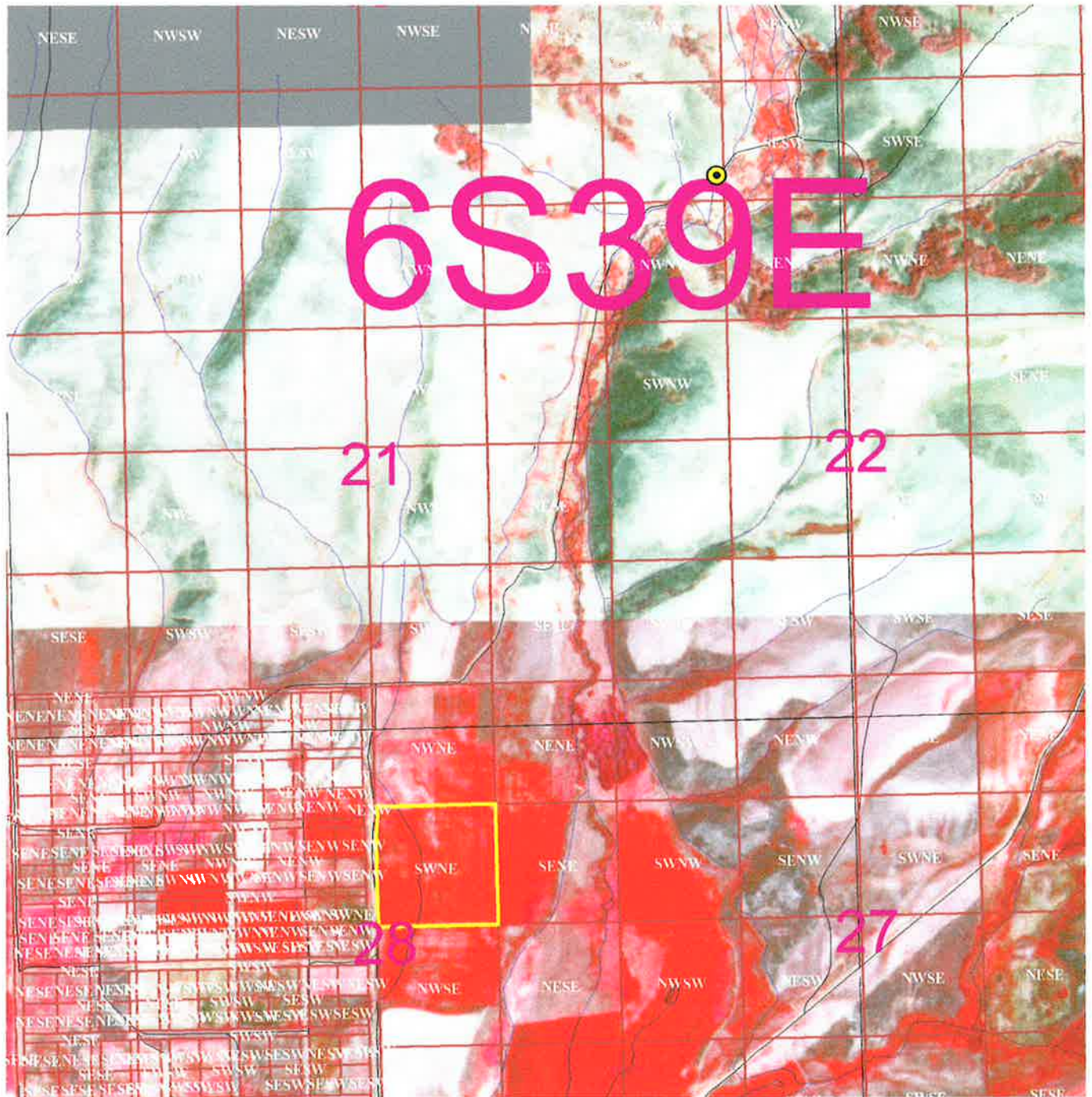
- Diversion.shp
- Place of use.shp
- Stream.shp
- Sections
- QQ

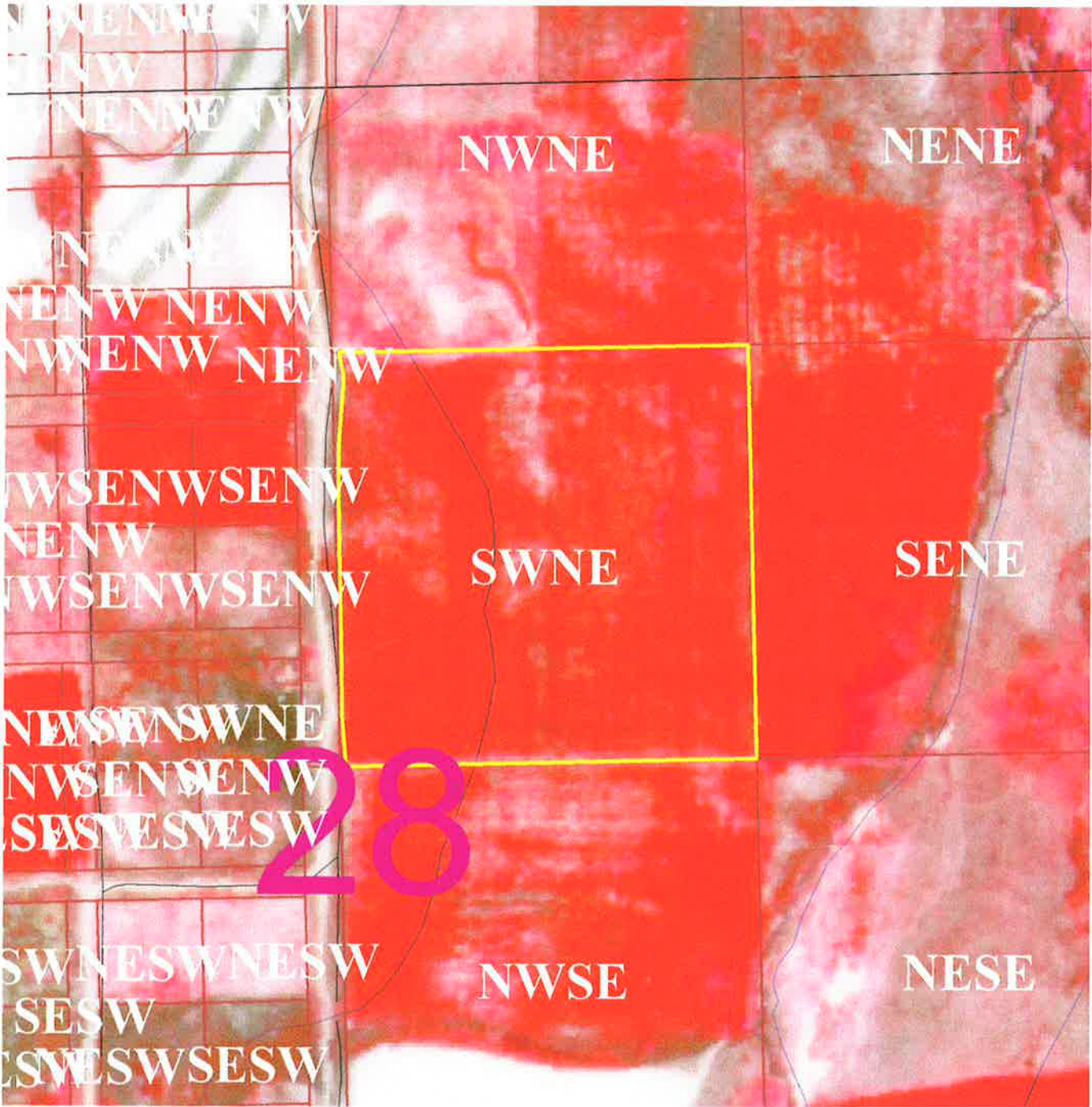


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: January 2003

Water Right Claim Number A29-00072D
Township , 6S39E

09/08/2000





 Irrigated Area

 Section Line

 Roads

 Place of Diversion

 Quarter Section Line

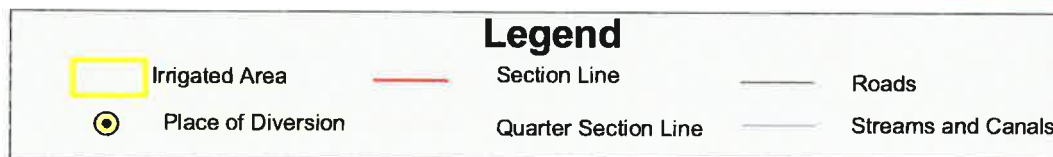
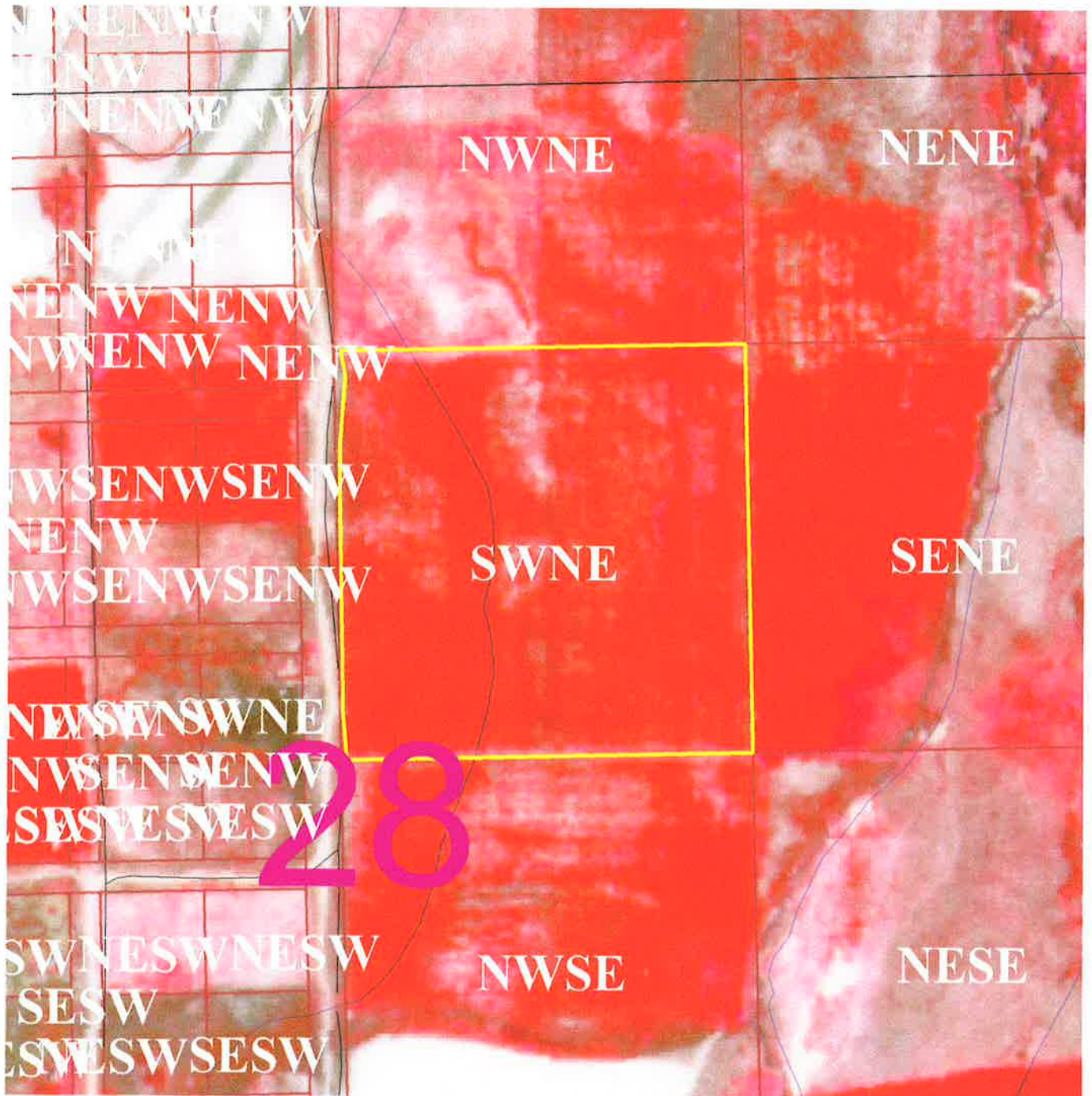
 Streams and Canals

Legend



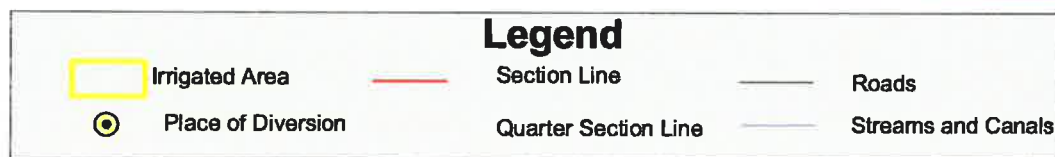
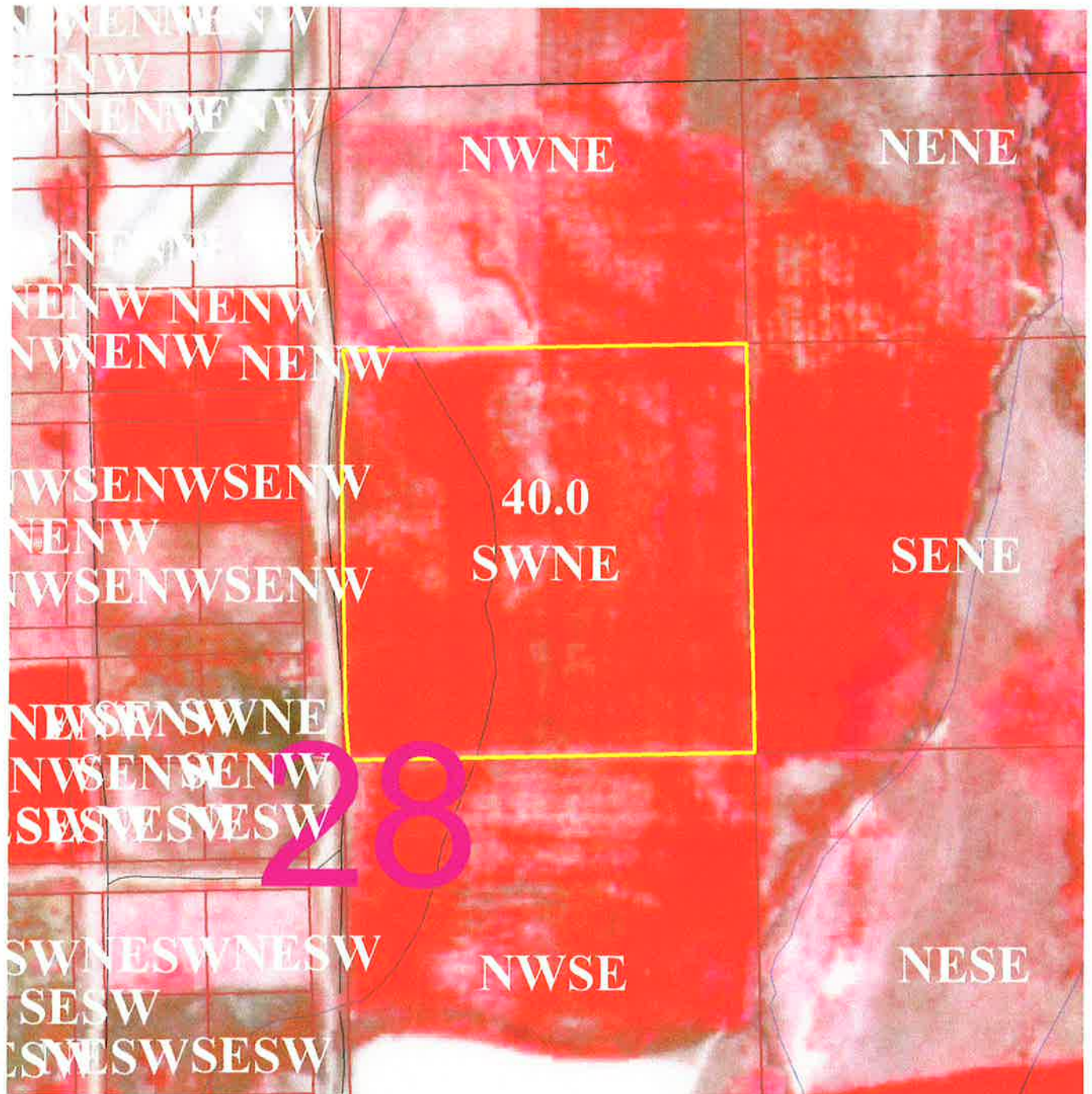
Water Right Claim Number A29-00072D
Township , 6S39E

09/08/2000



Township , 6S39E

09/08/2000



300 0 300 600 Feet



Notes

4/28/04 Steve Heddon called
because Chet Davis called him.
last night at 10:30 pm. He wants to
put in a new headgate and get the
ditch ready for irrigation. The cut
on 24 mi is 1881 right now. I
told Steve that it was decreed to
T. Paul's property, not Val Davis. CB

1/13/03

POD shape file: 29-72D-POD

Recommending POD As Claimed
add C03 Remark. per Enrie 1/13/03.

- Decree limits acreage in QQ's.
See split analysis for diversion
rate analysis.

ADD E29 Cond - edit to say Chesterfield
Canal & Reservoir Company! this
water is also used on property.

Recommend claimed POD as recommended
use

- * Summary sheet: Questions have not
- been answered.
- link POD shape to POD claimed
- link claimed POD as recommended
POD.
- limited on water, it will be less
than 0.02 per acre.
pump layout.

Phone conversation with Karen Davids
7/18/02 T. Paul Davids, Jr. 776-5259
left message with his granddaughter
to have T. Paul call me. They are
on vacation.

Karen Davids, talked with Val
and he thought they moved the
water to their property in about 1986.
They rented the water in about 1981
but farmed T. Paul's land.

T. Paul Put his land in CRP and
Val moved the water to his place.

* POD was moved about 80' above the old one because it was
washed out in the 1969/1970 flood. (Nyle thought it was 1980)

- Note: See if Pauline can find out when this
property was first put into CRP.

7/18/02 discussion with Allen - you could put T. Paul
as current owner and Val Davids as
lessee.

- if it occurred after 1987 it's an illegal
diversion.

12/13/02 after talking with Steve Hedden I can't
verify - Recommend as decreed, will have
to sort it out in the objection period.

Priority Date Data Entry Form

Claim Number: 25-72D
Water Right Priority Date: 8-8-1882 Water Right Basis: Decree
Claimed Priority Date: 8-8-1882 Claimed Basis: Decree
Recommended Priority Date: _____ Recommended Basis: _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Union Grain + Elev. Decree

Reviewer: CB

Date: 7/18/02

Point of Diversion and Source Data Entry Form

Claim Number: 29-720Water Right Point of Diversion: T 6S, R 39E, Sec. 21, SE, NE, County: CaribouSource: 24 mi Crk Tributary: Portneuf RiverClaimed Point of Diversion: T 6S, R 39E, Sec. 15, SE, SW, SW, County: CaribouSource: Twenty four mi. Crk Tributary: Portneuf RiverRecommended Point of Diversion: T 6S, R 39E, Sec. 21, SE, NE, County: CaribouSource: 24 mi - Crk Tributary: Portneuf River☐ Use Claimed POD and Source as Recommended POD and Source

TwP	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

- Val David's rents this water. I need to verify when the land was put into CRP and when / where the POD is.

- Call Steve on POD - Steve Hebdom's isn't sure about the POD,
 - Couldn't verify POD - Recommend as decreed claimed
 per Ennie

Transfers Changing POD _____

Reviewer: CBDate: 7/18/02

Place Of Use Data Entry Form

Claim Number: 29-72D☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6S	39E	28	SWNE		Caribou		40	Irrigation

Total Acres 40

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

- Val Davids rents this water because the land is in CRP. I need to find out from Val or T. Paul when it went into CRP and where the water is being used.
- Recommend as decreed. (claimed as decreed) decreed acre limit was 40 ac.

Transfers Changing POU _____

Reviewer: CBDate: 7/18/02

Purpose of Use Data Entry Form

Claim Number: 29-72D☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			40	

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			40	

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			40	

Document how the Purpose of Use was verified:

UG + E Decree
1987/88 LAPP Photography
Acre limit 40 under UG + E Decree

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 7/18/02

Period of Use and Quantity Data Entry Form

Claim Number: 29-72D☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	0.50	

Overall Diversion Rate 0.50 Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	0.80	

Overall Diversion Rate 0.80 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	0.50	

Overall Diversion Rate 0.50 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

U.G. & E. decree.
Caribou Assessors officeQty reduced to the proportional split from
UG & E decree
decree at less than 0.02 per acre in UG & E decree.Reviewer: CBDate: 7/18/02

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner T. Paul Davids Jr.
Name connector: and _____, or _____, and/or _____
Current Owner P.O. Box 715 Lava Hot Springs, ID 83246
Current Owner _____ 776-5259

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: None done Time: _____

Directions to Property (if different from above) and/or update owner information:

Desk top review
did go on a tour of 24 mi rights

Reviewer: CRB

Date: 11/8/02

Claim No.: 29-720

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

add E29 Cond. edit to Chestfield Canal
& Reservoir Co.

C18

C03 Remark

Split or Combined Right Analysis:

72A Val Davids (1.79 cfs)

72B Hermese Crump (3.22 cfs)

72C Nyles Crump (0.48)

72D T. Paul Davids (0.50)

29-72
6.0 cfs

Attached Field Notes or Other Documents:

0.06 unclaimed by W. T. Tinsley

7/18/02. Conversion w/ Kaur Davids - they sent T. Paul's water,
because the land is in CRP.

Claim No.:

Reviewer

CB

Date

7/18/02

29-72.

6.0 cfs

8-8-1882

I.B. Call: 40 Ac. SW NE Sec. 28 T. Paul Davids Jr.

OSMOND Call 114.28 Ac.

Brent 114.28 (.33) = 38

Hermese 114.28 (.67) = 76.28

Sec. 28.

$$\left\{ \begin{array}{l} W\frac{1}{2} SE 80 \text{ B Crump } 0.33 \\ E\frac{1}{2} NE 80 \text{ H Crump } 0.67 \\ E\frac{1}{2} SE 80 \text{ H Crump } \\ \hline 240 \end{array} \right.$$

$80/240 = 0.33$
 $160/240 = 0.67$

not claimed
didn't want
to claim.

Muir

5 acres.

NW NW Sec. 33

W.J. Treasure? Not claim

OSMOND Call 178.62 Ac.

H. Crump.

$$\text{Sec. 28 } \left\{ \begin{array}{l} E\frac{1}{2} NE \\ E\frac{1}{2} SE \end{array} \right.$$

$$\text{Sec. 27 } \left\{ \begin{array}{l} SW NW \\ W\frac{1}{2} SW \end{array} \right.$$

ife
olbrook?
l Davids.

Forest Corneilson: 40 ac. NENE Sec. 33

Jonathan Holbrook 102 AC.

lafe
Holbrook?
l Davids

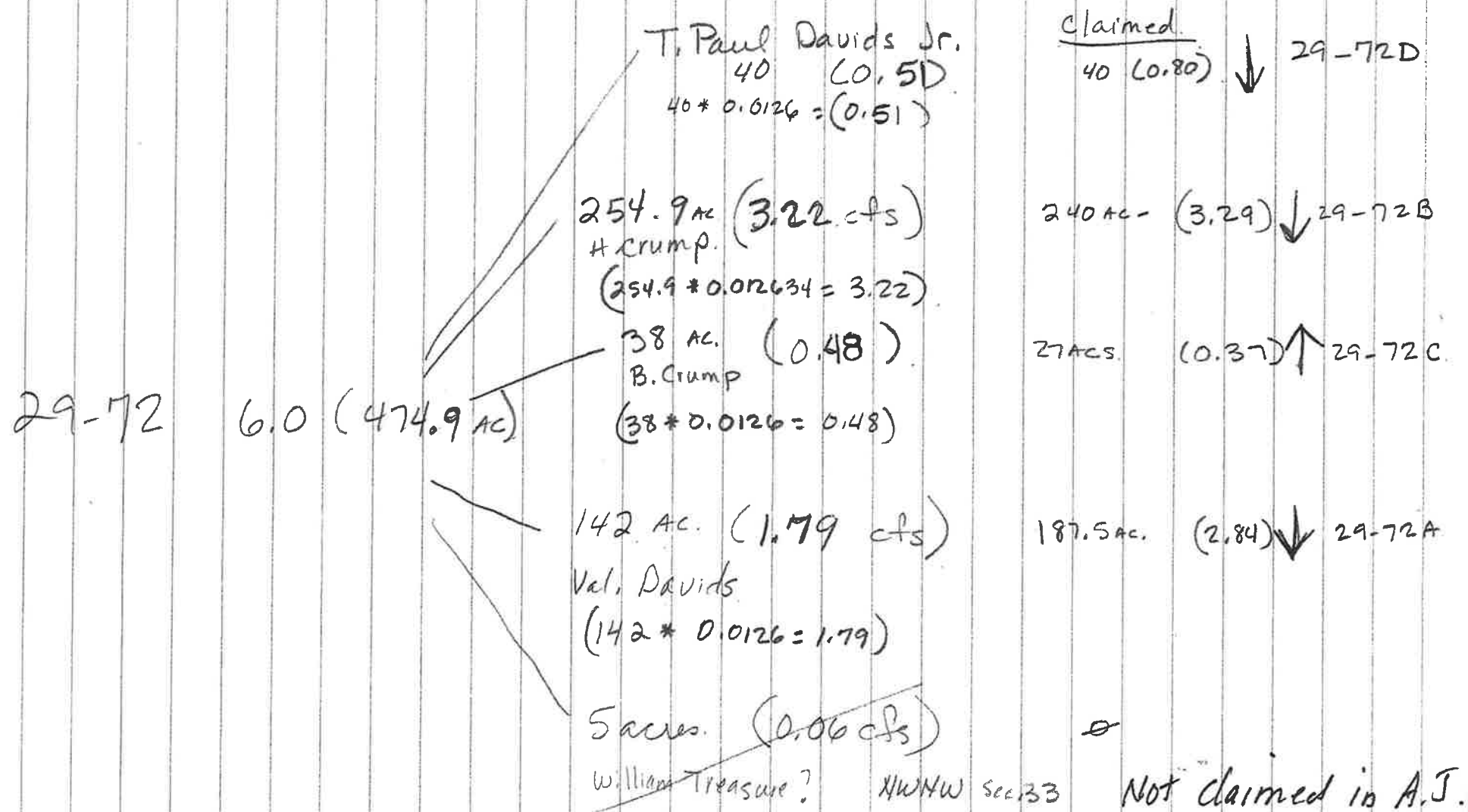
$$\text{Sec. 33 } \left\{ \begin{array}{l} SW\frac{1}{2} NE \\ SE NE \end{array} \right.$$

Total acres: 479.9 (decreed) 474.9^{5 ac} take out the
Total diversion: 6.0 cfs

diversion per
acres: $\frac{6.0}{474.9} = 0.012634 \text{ cfs/acre}$

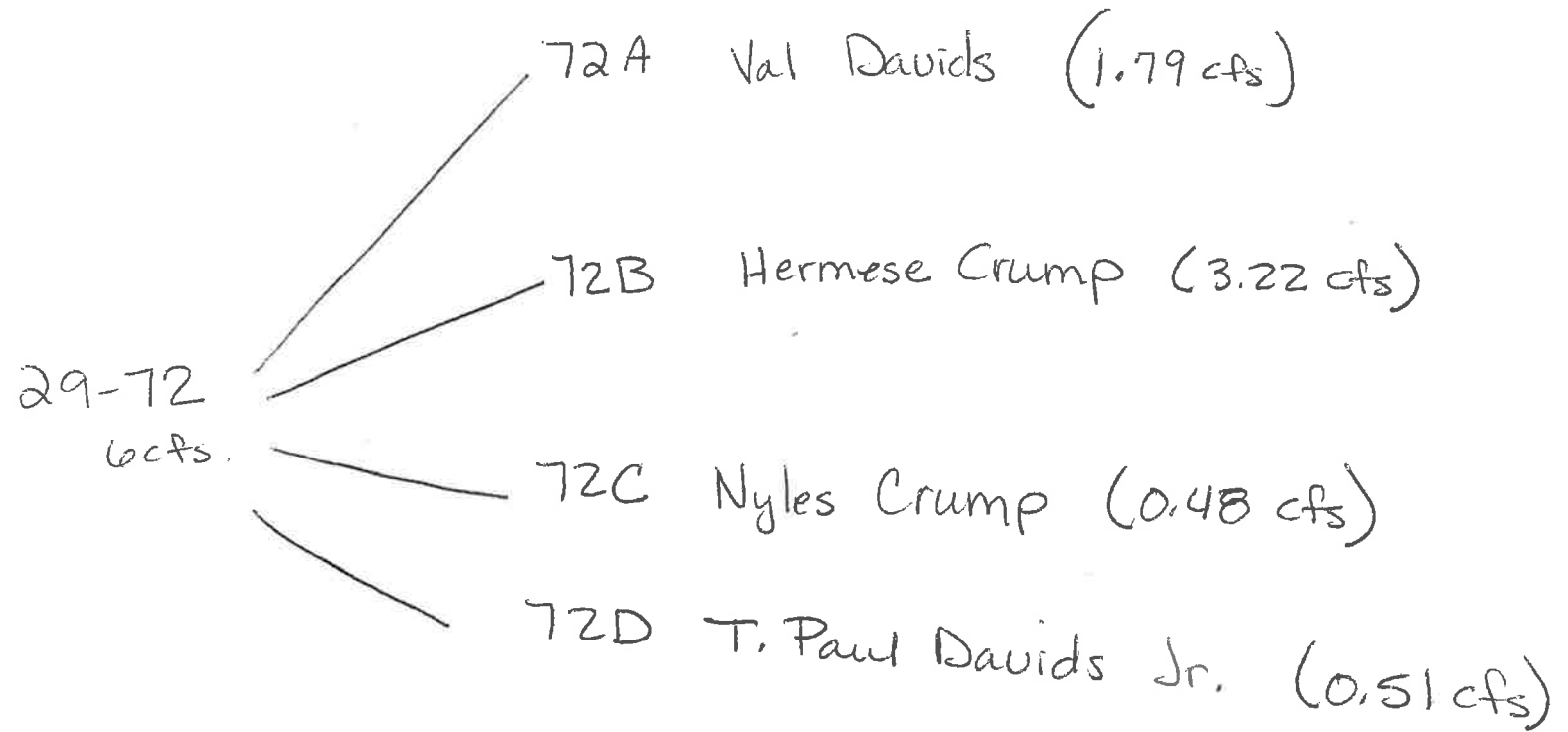
*Decreed at less than an inch-per acre.

7/1/02 How I think it should be claimed according to the decree and land ownership.



Since the US+E decreed this at less than an inch/acre. value taken the 5 acres owned by ...

Recommended Split of 29-72



Bird, Cindy

From: Carlsen, Ernie
Sent: Thursday, July 18, 2002 3:04 PM
To: Bird, Cindy
Subject: RE: Claim 29-72D

-----Original Message-----

From: Bird, Cindy
Sent: Thursday, July 18, 2002 2:56 PM
To: Carlsen, Ernie
Subject: RE: Claim 29-72D

Yes, the diversion rate is less than 0.02 cfs per acre. *[Carlsen, Ernie]* I suggest you recommend the full amount of the right unless you see a reason for recommending less.
Ernie

-----Original Message-----

From: Carlsen, Ernie
Sent: Thursday, July 18, 2002 2:40 PM
To: Bird, Cindy
Subject: RE: Claim 29-72D

-----Original Message-----

From: Bird, Cindy
Sent: Thursday, July 18, 2002 2:00 PM
To: Carlsen, Ernie
Subject: Claim 29-72D

hi Ernie,

I have another question. Claim 29-72D is claimed by T. Paul Davids, Jr. I called the number in the file to schedule an appointment because the pod has changed. The phone number is for his brother and sister-in-law, Val & Karen Davids. In my discussion with Karen. She said T. Paul Davids put this property in CRP and they rent his water. How do I handle that in the recommendation? *[Carlsen, Ernie]* Recommend the claim based on how it was used in 1987 or when it went into CRP which ever is earlier. This is provided there is not a post 1987 approved transfer that changes the place use.

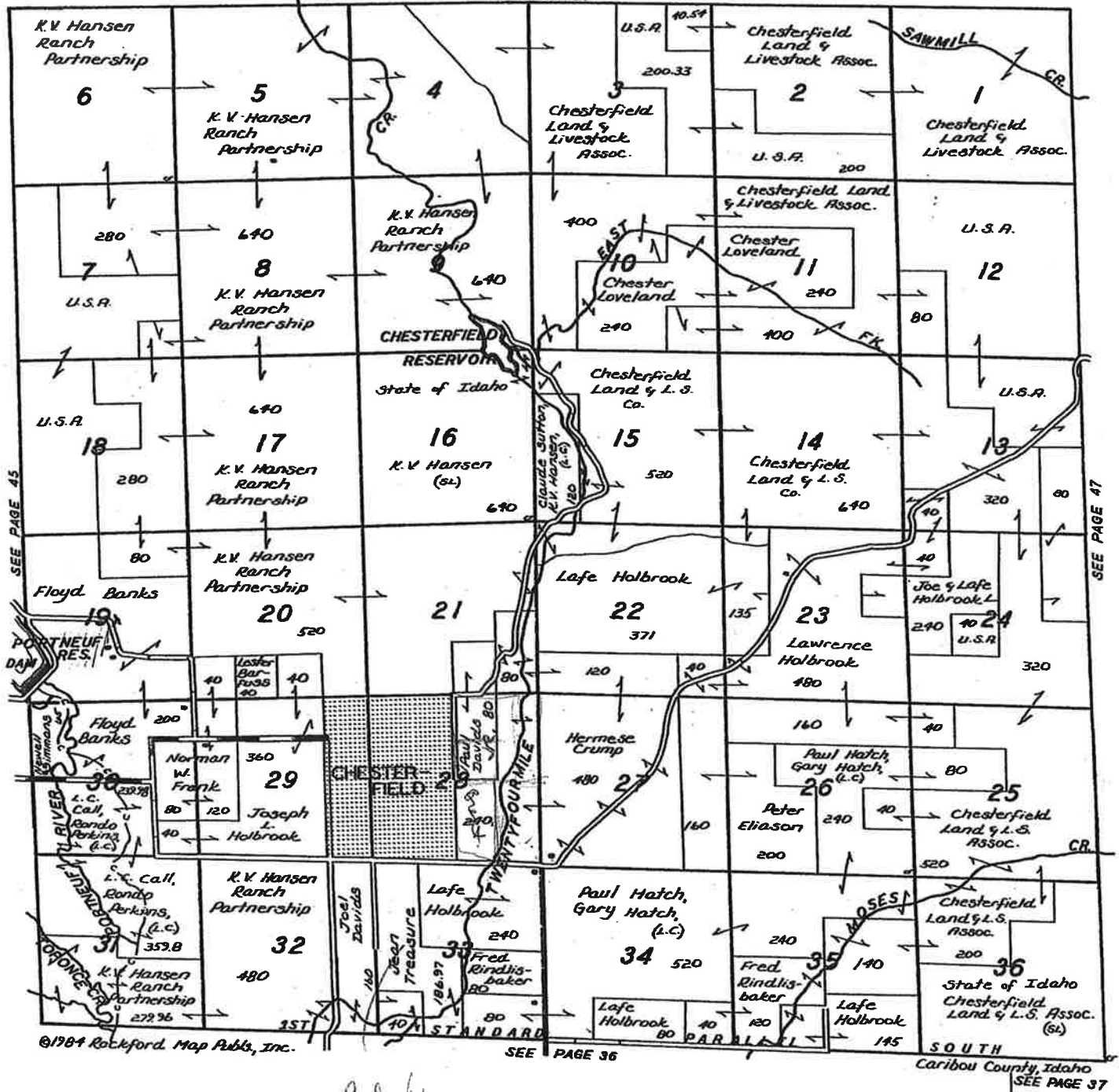
She didn't know when they started renting the water or when the property was put into CRP. I just wanted to get some input from you at this point before I call T. Paul. The 1987/88 NAPP photography shows irrigation of the 40 acres. He also has shares in Chesterfield Canal Co. that Val Davids also rents.

Also under this decreed right 29-72 it was overclaimed in the SRBA. So when I went through the decree and figured out what everybody owns in reference to the decreed lands and used that ratio to determine each share of the water right. I came up with a 5 acre piece that was not claimed and the guy that owns the 5 acre piece said he doesn't use this water on the property and doesn't want to claim it. Do we just leave it unclaimed? Or can we give the other big users of the water the option to prove they use the water and claim it? *[Carlsen, Ernie]* When portions of the decreed place of use are not claimed, be careful not to over recommend the amount for other claimants. In this case it sounds like the 5 acres are not an issue. Disregarding the five acres, is the rate of diversion per acre on the decreed place of use being irrigated less than 0.02 cfs?

Cindy

T.6S.-R.39E.

SEE PAGE 56



Ralph
Kellinger

2093 Jan
CALLS EAST DITCH, diverts from the said Creek in the Southeast quarter of the Southeast quarter, Section 21, Township 6 South, Range 39 East. From the Southeast corner of Section 21, Township 6 South, Range 39 East, the point of diversion bears North 9 degrees and 10 minutes West, 1865 feet.

HOLBROOK DITCH No. 1, diverts from the said Creek in the Southeast quarter of the Southeast quarter, Section 28, Township 6 South, Range 39 East. From the Southeast corner of Section 28, Township 6 South, Range 39 East, the point of diversion bears North 52 degrees and 50 minutes West, 1636 feet.

HOLBROOK DITCH NO. 2, diverts from the said Creek in the Northwest quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East, from the North quarter corner of Section 33, Township 6 South, Range 39 East, the point of diversion bears South 88 degrees East, 1100 feet.

60, CALL, L. B.
9 7007 1882 August 8

6.0 c.f.s.

T. Paul Davids

For the irrigation of 40 acres of land in the Southwest quarter of the Northeast quarter, Section 28, Township 6 South, Range 39 East.

SW NE S

CALL, OSMOND

H. Crump

For the irrigation of 114.28 acres of land in the West half of the Southeast quarter, the East half of the Northeast quarter, and the East half of the Southeast quarter, Section 28, Township 6 South, Range 39 East.

MUIR, M. V. & S.

W. J. Treasure

For the irrigation of 5 acres in the Northwest quarter of the Northwest quarter, Section 33, Township 6 South, Range 39 East.

CALL, OSMOND

H. Crump

For the irrigation of 178.62 acres of land in the East half of the Northeast quarter, the East half of the Southeast quarter, Section 28, the Southwest quarter of the Northwest quarter, the West half of the Southwest quarter, Section 27, Township 6 South, Range 39 East.

CORNEILSON, FOREST L.

HOLBROOK, JONATHAN

Val Davids

For the irrigation of 40 acres in the Northeast quarter of the Northeast quarter, Section 33 Township 6 South, Range 39 East.

For the irrigation of 102 acres in the West half of the Northeast quarter, the Southeast quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East. That the said I. B. Call, Osmond Call, Jonathan Holbrook and Forest L. Corneilson have the right to inaugurate any equitable system of irrigation devised by them for securing higher efficiency of water, and that at all times when said waters are being distributed through Calls West Ditch under any system, the said M. V. and S. Muir shall have distributed to them 5 inches of water, or their proportionate quantity, in the event that there is not sufficient water available to give the other users in said ditch the maximum quantity to which they are respectively entitled.

479.9 Acres.
 $\frac{6}{479.9} = 0.0125$

claimed

T. Paul Davids Jr. 29-720 (.80)

B. Crump 29-72C 0.37

H. Crump 29-72B 3.29

Val Davids 29-72A 2.84

RECORDED

MAY 15 1906



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

A29-72D

Theron Paul Davids Jr.

P.O. Box 715

Lava Hot Springs, ID 83246

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

Dear Claimant(s);

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown **above in the "address" label** has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, **by March 1, 2002. If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions. Have a safe and happy holiday.

Sincerely;

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

39 East. From the Northeast corner of Section 21, Township 6 South, Range 39 East, the point of diversion bears South 8 degrees and 30 minutes West, 2093 feet.

CALLS EAST DITCH, diverts from twenty-four Mile Creek in the Northeast quarter of the Southeast quarter, Section 21, Township 6 South, Range 39 East. From the Southeast corner of Section 21, Township 6 South, Range 39 East, the point of diversion bears North 9 degrees and 10 minutes West, 1865 feet.

HOLBROOK DITCH No. 1, diverts from the said Creek in the Southeast quarter of the Southeast quarter, Section 28, Township 6 South, Range 39 East. From the Southeast quarter of Section 28, Township 6 South, Range 39 East, the point of diversion bears North 52 degrees and 50 minutes West, 1636 feet.

HOLBROOK DITCH NO. 2, diverts from the said Creek in the Northwest quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East, from the North quarter corner of Section 33, Township 6 South, Range 39 East, the point of diversion bears South 88 degrees East, 1100 feet.

9 7007 60. CALL, I. B.
1882 August 8

6.0 c.f.s.

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CALL, OSMOND

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HOLBROOK, JONATHAN

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RECORDED

MAY 15 1908

WR5809NP
No. 29-00072

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OSMOND CALL	08/08/1882	IRRIGATION	04/15 09/15	6.000 CFS	
C	M. V. MUIR					
C	FOREST L. CARNEILSON					
C	I. B. CALL					
C	JONATHAN HOLBROOK					
C	S. MUIR					
TOTAL DIVERSION:					6.000 CFS	

Water Source: TWENTY FOUR MILE CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T06S R39E S21 SENE

CARIBOU County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM	
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE		
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06S	39E	27																		
06S	39E	28		I			I		I					I	I					
06S	39E	33		I		I		I										I	I	I

Pou County: CARIBOU

Other Water Rights Listing Overlapping Place(s) of use:

29-00073 29-00226 29-00227 29-02455 29-02538 29-02558

Remarks: GEN ACRES IRR. 479.90.
P/U INCOMPLETE.
P/D IMPLIES CALLS WEST DITCH.

Dates: App. Received: Priority Date: 08/08/1882
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 29 Field Exam Fee:

Audit: 07/15/85 05/22/88 CONVERT 06/20/89 CURTIS 07/19/89 CURTIS

MAY 4 2001

Log for claim A29-00072D

Spatial Dynamics LTD

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s39e	28	SWNE	40	40	
Totals:			40	40	

AJ5809NP
No. A29-00072D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/28/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THERON PAUL DAVIDS JR PO BOX 715 LAVA HOT SPRINGS ID 83246 (208) 648-7703	08/08/1882	IRRIGATION	04-15 09-15	0.800 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.800 CFS 80.00 AFA

Water Source: TWENTYFOUR MILE CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R39E S15

SESWSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06S	39E	28	:					40												:	40.0
																				TOTAL ACRES	40.0

POU County: CARIBOU

Other Rights: CHESTERFIELD CANAL & RESERVOIR CO. STORAGE WATER

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00071 A29-00072 A29-02558

Remarks: GEN CONFORMED ATTORNEY ADDRESS DMS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/15/90 ESRBA 04/01/94 THOMPSON 03/29/95 DSMITH 03/29/95 POST-STD
04/12/00 CVANDERM

MAY 4 2001

has

X

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: A29-00072D

Date Received: 2/09/1990

Receipt No: E012008

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THERON PAUL DAVIDS, JR. 208-648-7703
Address: P.O. BOX 715
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: AUG 08, 1882

3. Source: TWENTY FOUR MILE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	39E	15	SE	SW	SW		CARIBOU

5. Description of diverting works:

EARTHEN DAM, HOLDING POND, ELECTRIC & CENTRIFUGAL PUMPS, SPRKLRs

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.800		

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

A.F.A.

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	39E	28	SW	NE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A29-00072D

Page 1

Date: 02/15/90

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11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

CHESTERFIELD CANAL & RESERVOIR CO. STORAGE WATER

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MC CAMMON DITCH CO. ET AL

Decree Defendant

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

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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

FEB - 9 1990

Department of Water Resources
Eastern District Office

1. Name of Claimant(s) Theron Paul Davids, Jr.
Phone: (208) 648-7703
Mailing Address: P. O. Box 715
Lava Hot Springs, Idaho Zip: 83246
2. Date of Priority: August 8, 1882
3. Source of water supply (a) Twenty Four Mile Creek which
which is tributary to (b) the Portneuf River.
4. a. Location of existing point of diversion is:

Township 6 S. Range 39 East Section 15, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$,
Govt. Lot, _____ B.M., County of Caribou.

Additional points of diversion if any: T.6 S. R. 39 E. Sec. 33
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$

5. Description of diverting works (Dams, Reservoirs, Ditches,
Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of
any changes or enlargements in use, the dimensions of the
diversion works as constructed and as enlarged and the depth of
each well.

Water diverted from Twenty-Four Mile Creek by means of an
earthen dam into a holding pond from which the water is pumped
by means of an electric motor and centrifugal pump into a
sprinkler irrigation system.

6. Water is used for the following purposes:

(both dates are inclusive) (cfs) (acre ft)
For Irrigation purposes from 4-15 to 9-15 amount .8 or

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7. Total Quantity claimed (a) .8 (cfs) and/or (b) _____
(acre feet)

8. Total consumptive use claimed is 80 acre feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: Give number of households served, Stockwater: type and number of livestock, etc.) None

10. Description of place of us:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	39E	28			40														40

Total number of acres irrigated 40

11. In which county (ies) are lands listed above as place of use located? Caribou

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

Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any water rights used at the same place and for the

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same purposes as described above. Chesterfield Canal and Reservoir Company Storage Water or None ()

14. Remarks:

15. Basis of Claim (check one) Beneficial Use _____ Posted _____
Notice _____ License _____ Permit _____ Decree X

If applicable provide IDWR Right Number: 29-0072

Court: Fifth Judicial District, Case Number: 22-03, Decree
Date: 12-2-22.

Plaintiffs v. Defendant: Union Grain and Elevator Company,
Plaintiff v. McCammon Ditch Company, et al., Defendants, Decreed
Right No. 60, page 36.

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 Adjudication." (b) I/We do _____ do not X wish to received and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) T. Paul Davis Date 2-5-90

State of Idaho)
: ss
County of Caribou)

Subscribed and sworn (or affirmed) before me this 5th day
of February, 1990.

(SEAL)

Paul C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello, Id
My Commission expires 10/15/90

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17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budge, of the firm of Racine, Olson, Nye, Cooper & Budge, Chartered, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature: _____

Randall C. Budge

Address: P. O. Box 1391
Pocatello, Idaho 83204

Date: _____

2/5/90

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Scale: 2 inches equals 1 mile

[illegible]

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Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Dauids, Jr.CLAIM IDENT. NO. A29-000720DATE RECEIVED 2/9/90CK # 5488AMOUNT \$ 90 applied to transition

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: ratDate: 2/12/90

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by: rat

Sent to claimant by:

Date:

Date:

Date:

Checked by: ratDate: 2/19/90

Comments:

Notice of appearance

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LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
CARY B. COLAIANNI
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

February 8, 1990

*ALSO MEMBER ILLINOIS BAR

Department of Water Resources
Eastern Regional Office
150 Shoup, Suite #15
Idaho Falls, Idaho 83402

RECEIVED

FEB - 9 1990

Department of Water Resources
Eastern District Office

Re: SRBA Claims - Caribou County

Gentlemen:

Enclosed please find a new SRBA Claim which we are filing on behalf of Theron Paul Davids, Jr. pertaining to .08 cfs of water from Twenty-Four Mile Creek tributary to the Portneuf River with a priority date of August 8, 1882.

Also enclosed please find Amended No. A29-00072A. The Amendment from the original filing is reflect in Paragraph 10 where an additional 45 acres have been added. Also enclosed for filing is Amended Claim No. A29-00227 to amend Paragraph 10 to reflect a change in the place of use of the three and one-eighth irrigated acres to the southeast quarter of the northeast quarter.

Enclosed is our check for additional filing fees as follows:

\$ 90.00 - Theron Paul Davids, Jr. claim
(\$50.00 plus 40 acres)
45.50 - for 45 additional acres on Amended A29-00072A
\$135.50

We have enclosed extra copies of each of the above claims and would appreciate it if you would conform and return the copies along with your receipt. If you have any questions, please contact me. Thank you for your assistance.

Very truly yours,


RANDALL C. BUDGE

RCB:gr
Enclosures

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