

06/17/2003

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

RIGHT NUMBER: 29-340A
NAME AND ADDRESS: LESLIE BLOXHAM
PO BOX 41
DOWNEY ID 83234

LOUIS BLOXHAM
PO BOX 41
DOWNEY ID 83234

SOURCE: UNNAMED STREAM TRIBUTARY: BRUSH CREEK

QUANTITY: 0.820 CFS

The amount of time water is diverted under the rights listed below is limited to a combined total of 72 hours out of a 204 hour rotation as provided for in the decree of C. B. Hancock v. Heber Bloxham (Fifth Judicial Dist. Ct., Bannock County, May 11, 1909). Combined rights: 29-339A and 29-340A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.58 CFS. COMBINED RIGHT NOS.: 29-339A AND 29-340A.

PRIORITY DATE: 06/09/1915

POINT OF DIVERSION:

T11S R37E S23 NENW Within BANNOCK County
T11S R37E S23 SWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.820 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S22	SENE	6.5	T11S R37E S22	NESE	34.0
T11S R37E S22	NWSE	0.7			

41.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 79.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-339A AND 29-340A.

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

SOURCE IS ALSO KNOWN AS SPRINGS.

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

12/10/2002

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

RIGHT NUMBER: 29-340A
NAME AND ADDRESS: LESLIE BLOXHAM
PO BOX 41
DOWNEY ID 83234

LOUIS BLOXHAM
PO BOX 41
DOWNEY ID 83234

SOURCE: UNNAMED STREAM TRIBUTARY: BRUSH CREEK
QUANTITY: 0.440 CFS

The amount of time water is diverted under the rights listed below is limited to a combined total of 72 hours out of a 204 hour rotation as provided for in the decree of C. B. Hancock v. Heber Bloxham (Fifth Judicial Dist. Ct., Bannock County, May 11, 1909). Combined rights: 29-339A and 29-340A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.53 CFS. COMBINED RIGHT NOS.: 29-339A AND 29-340A.

PRIORITY DATE: 06/09/1915

POINT OF DIVERSION:

T11S R37E S23 SENENW Within BANNOCK County
T11S R37E S23 SESWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.440 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T11S R37E S22 NESE 22.0

22 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 76.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-339A AND 29-340A.

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

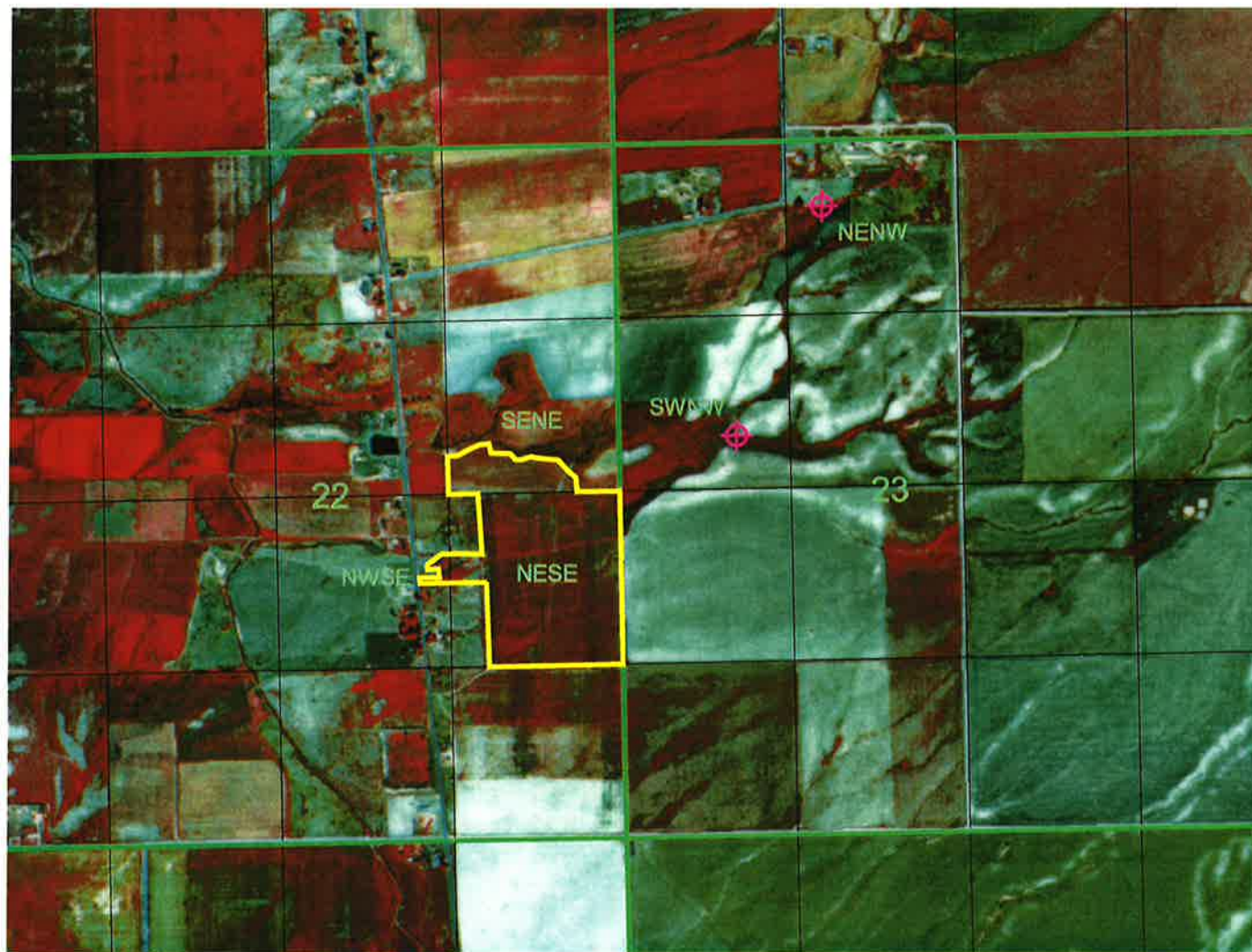
SOURCE IS ALSO KNOWN AS SPRINGS.



Department of Water Resources

Claim No: 29-340A

Twp 11S Rge 37E



0 1320 2640 3960 5280 Feet

Irrigated Acres = 41.2

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

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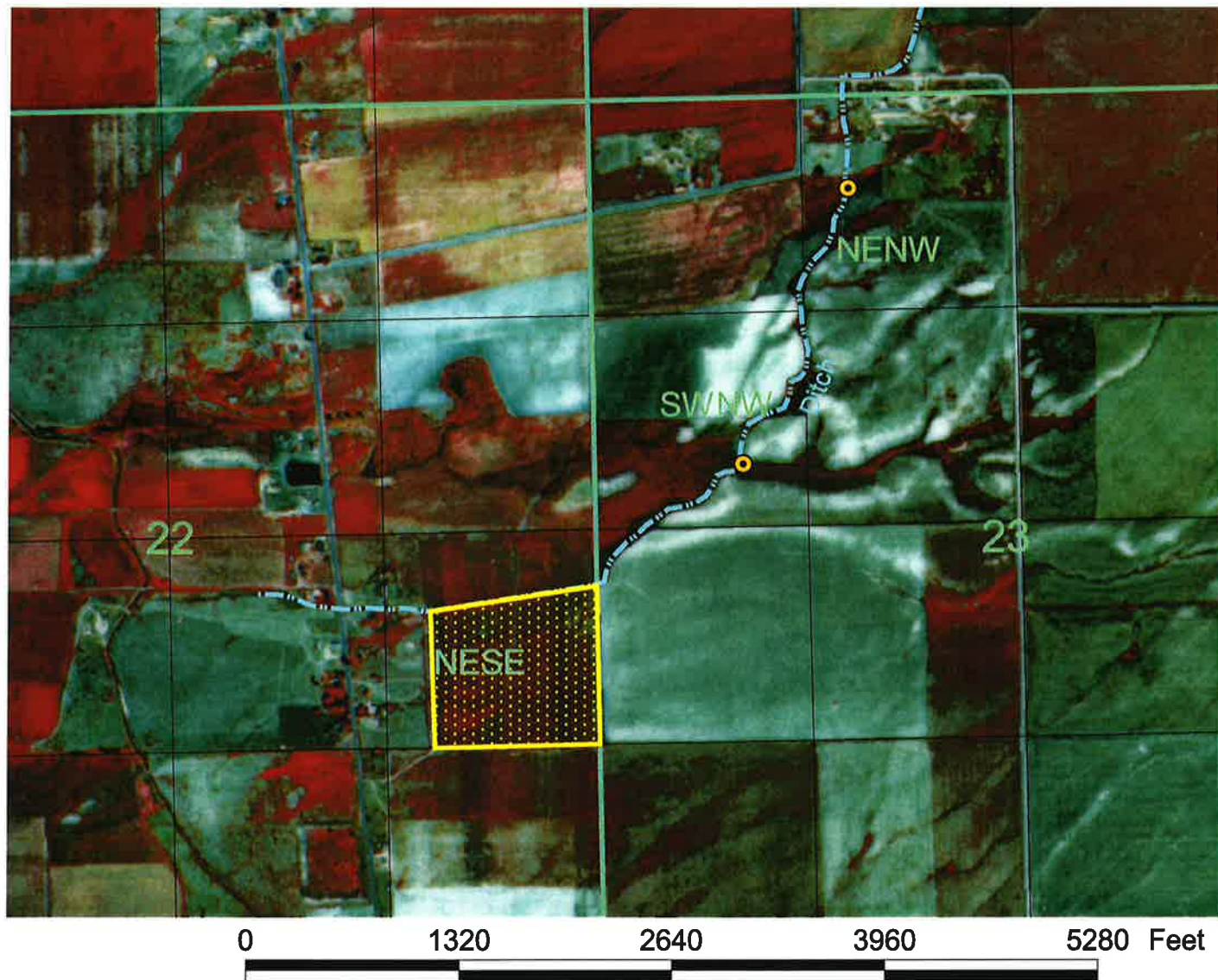
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: June 2003



Department of Water Resources

Claim No.: 29-340A

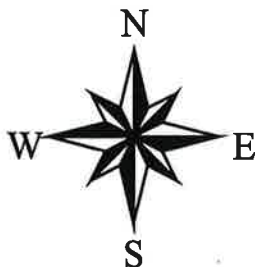
Twp 11S, Rge 33 E



PROFILED Irrigated Acres = 22

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

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GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: November 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 17, 2003

LOUIS BLOXHAM
PO BOX 41
DOWNEY ID 83234

Subject: 29-339A, 29-340A

Dear Louis:

In response to the Notices of Error you submitted for the above referenced recommendations, I have modified the recommendations to reflect a combined place of use of 79.2 acres. The new recommendations and layouts are enclosed for your review.

Though the notices of error requested around 85 acres be reflected in the combined place of use, the place of use on the claims only list 79 acres, thus establishing a limit on the number of acres that can be recommended. Historically, if more than 79 acres have been irrigated the claims can be amended to reflect the additional acreage.

Respectfully yours,

A handwritten signature in cursive script, reading 'Ernest Carlsen', followed by a horizontal line.

Ernest Carlsen
Water Rights Supervisor
Enclosures (4)
emc

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02/08/2003

NOTICE OF ERROR
REPLY

Ernie
RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-340A

LESLIE BLOXHAM
PO BOX 41
DOWNEY ID 83234
Telephone Number: (208)897-5362

LOUIS BLOXHAM
PO BOX 41
DOWNEY ID 83234
Telephone Number: (208)897-5362

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use

2. Describe the changes you wish to make in the proposed recommendation:

Add land in T11S R37E S22 SE NE 6.5 acres
T11S R37E S22 NE SE 32 acres.
and land near road.

3. Give a brief explanation as to why you disagree with these portions:

This land added has been irrigated for years by flood irrigation. The ditches are still in place and are still used.

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

DATE: 4/21/03

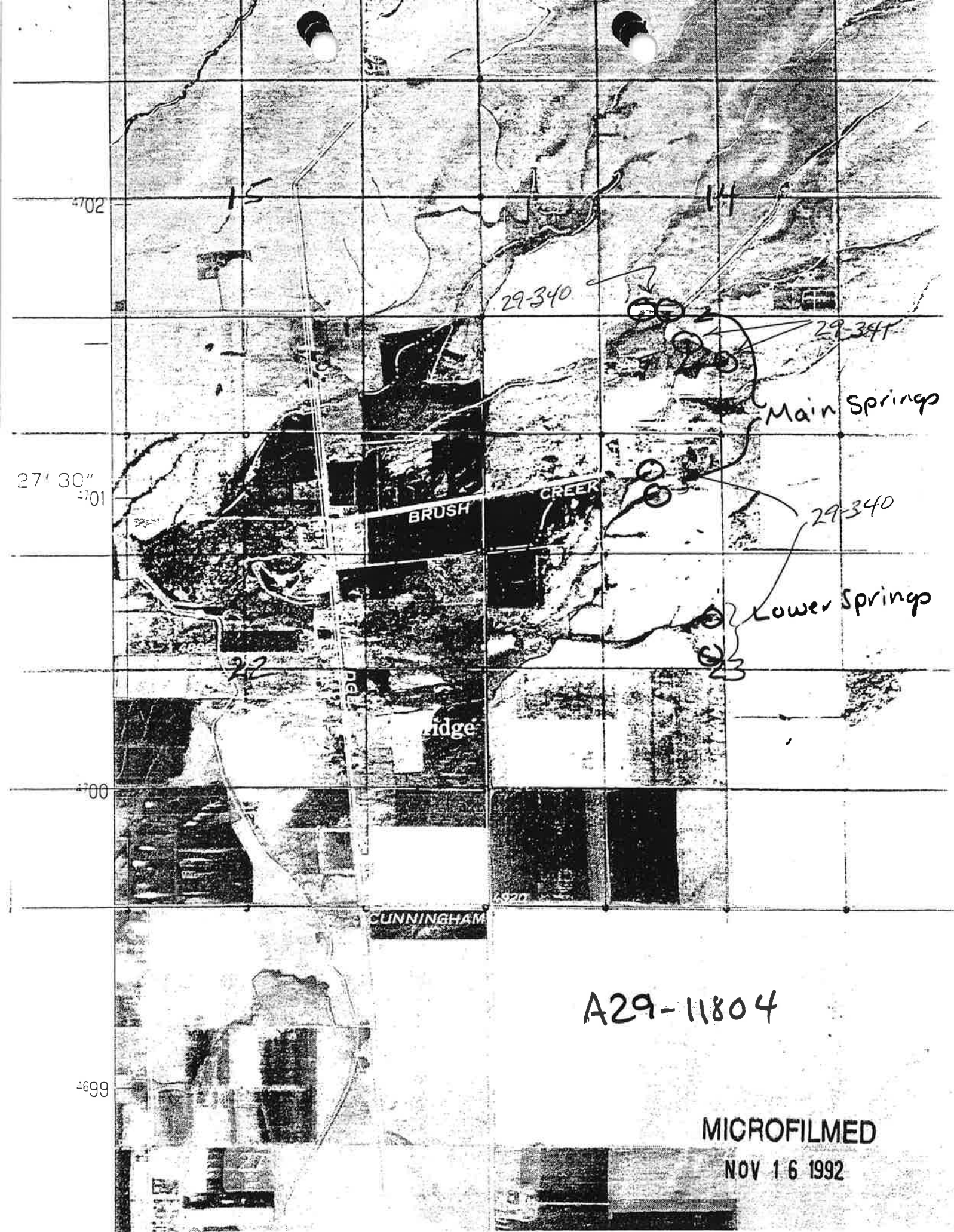
SIGNATURE: Louis Bloxham

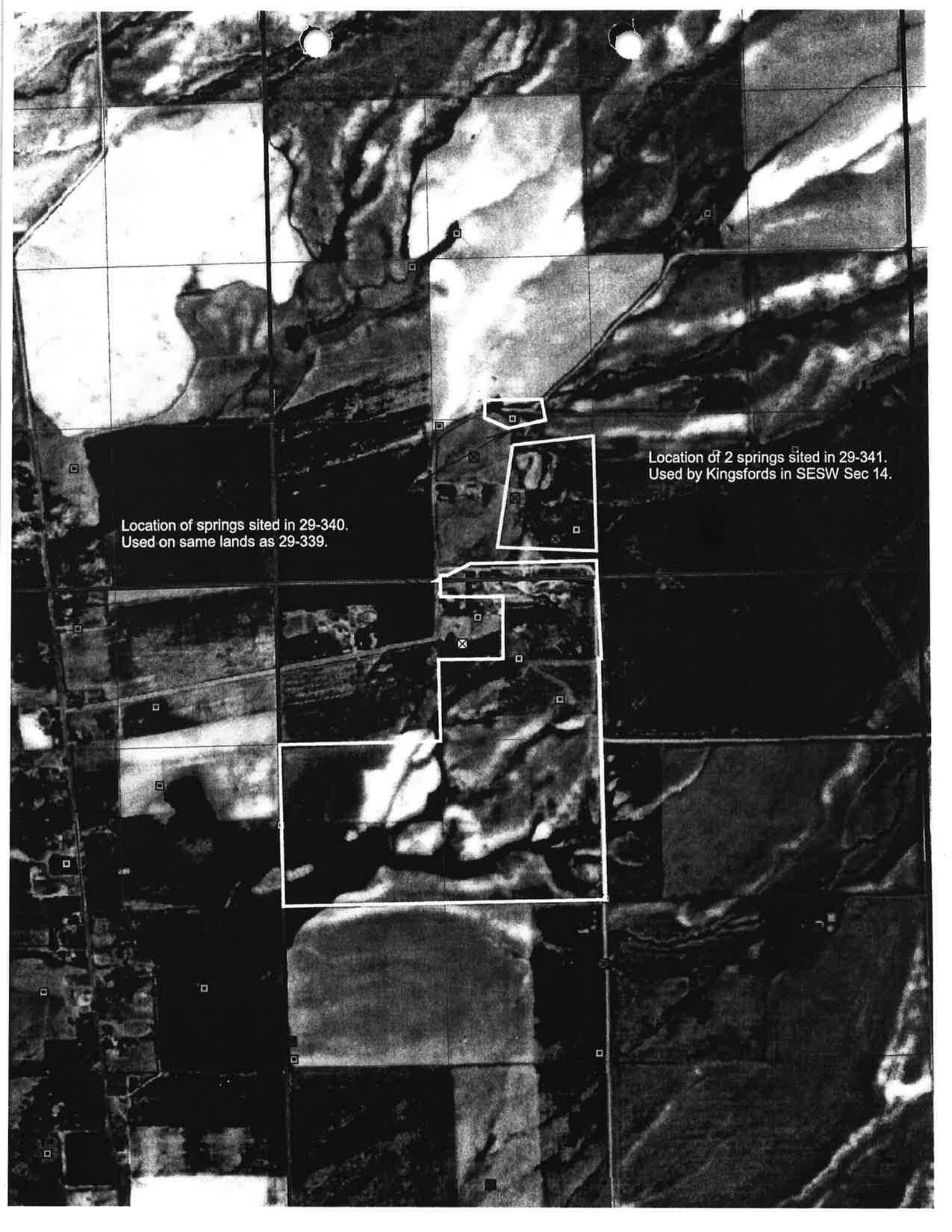
Please print your name: Louis Bloxham

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

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Location of springs sited in 29-340.
Used on same lands as 29-339.

Location of 2 springs sited in 29-341.
Used by Kingsfords in SESW Sec 14.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN
AND FOR BANNOCK COUNTY.

Wm. J. Bybee, Mark L. Johnson; Reuben
N. Kendall, Delina J. Kendall; Dunham
Van Leuven and W. H. Coffin;

Plaintiffs,

vs.

George Hancock, Charles W. Hancock;
Parley Bowman, George Bowman, O. O.
Crockett, George R. Crockett, J. A.
Bybee, Christiana Kingsford, Albert
Kingsford, Leonard Kingsford, Dora
Newbold, Willard Kingsford, Ida Kings-
ford, and Blanche Kingsford, Hazel
Kingsford, Leslie Kingsford, Emon
Kingsford, Della Kingsford, Harvey
Kingsford, Carlos Kingsford, Minors;
Defendants,

D E C R E E .

This cause came on regularly for trial on the 31st day of May, 1915, upon the complaint of plaintiffs and defendants' answer thereto, and the cross-complaint of defendants and the plaintiffs answer thereto, Budge & Barnard appearing as attorneys for plaintiffs, and W. H. Witty appearing as attorney for defendants and cross-complainants. The Court, having heard the evidence of the respective parties, except defendants, J. A. Bybee and George Bowman, who filed their disclaimer herein, and having heard the arguments of Counsel, and having made and filed herein findings of fact and conclusions of law, and being fully advised in the premises:

1.

29 0340 It is therefore ordered, adjudged and decreed that the plaintiffs were at the time of the commencement of this action, and now are the owners of the right to use for culinary and domestic purposes and for irrigation of lands hereinafter referred to, as a part and portion of the waters of that certain stream commonly known as Brush Creek, (otherwise known as Brush Creek ditch, or the new channel of Brush Creek), all of the waters of those

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springs arising in the south-east quarter of the north-west quarter, and the south-west quarter of the north-west quarter of section twenty-three (23) township eleven (11) south range thirty-seven (37) E.B.M., and also all springs arising within the south half of the north-east quarter of the north-west quarter of said section twenty-three (23), save and except that certain spring situated near the north boundary line of the said land last described, which supplies the school-house and school grounds in School District number four (4), Bannock County, Idaho, the waters of said springs so awarded to the plaintiffs being hereby decreed to be tributaries of the said Brush Creek.

2.

It is further ordered, adjudged and decreed that the plaintiffs were at the time of the commencement of this action, and now are the owners of the right to use for culinary and domestic purposes and for the irrigation of lands hereinafter referred to, as a part and portion of the waters of Brush Creek (otherwise known as Brush Creek ditch or the new channel of Brush Creek), all of the waters of that certain spring situated upon the following described tract of land situated in Bannock County, Idaho, and belonging to and in the possession of defendant, George Hancock, to-wit: Commencing at a point four (4) ^{106'} rods north of the north-west corner of the north-east quarter of the north-west quarter of section twenty-three (23) township eleven (11) south range thirty-seven (37) E. B.M., and ^{181.5'} running thence south eleven (11) rods, thence east thirty-one (31) ^{544.5'} rods, thence south thirty-three (33) rods, thence east forty-nine ^{808.5'} (49) rods, thence north forty-four (44) ^{726'} rods, thence west eighty (80) rods to the place of beginning.

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3.

It is further ordered adjudged and decreed that the plaintiffs were at the time of the commencement of this action, and now are, the owners of the right to use for culinary and domestic purposes and for the irrigation of lands hereinafter referred to as a part and portion of the waters of Brush Creek (otherwise known as Brush Creek ditch, or the new channel of Brush Creek) all the waters of that certain spring arising in the County Road which runs east and west along the north boundary line of said land of the said George Hancock, here-to-fore described, which said spring is the one located farthest south within the boundary line of the land hereinafter described in this paragraph; and that the plaintiffs were at the time of the commencement of this action, and now are, the owners of the right to use all of the waters of those certain four (4) springs situated farthest north within the land owned and occupied by the defendants, Kingsfords, to-wit: The south-east quarter of the south-west quarter of section fourteen (14) township eleven (11) south range thirty-seven (37) E.B.M., one of said springs being located within the old channel of Brush Creek near the north boundary line of said land, and the other three (3) of said springs being located in a southerly or south-easterly direction from said spring last described, and between said old channel of Brush Creek and a certain spring which arises near the east boundary line of the said Kingsford land.

4.

It is ordered adjudged and decreed that the right and title of the plaintiffs to the waters hereinbefore described for irrigation purposes are appurtenant to the lands of the said plaintiffs and their predecessors in interest, particularly described in that certain decree rendered on the 11th day of May, 1909, and filed and entered in this Court on the 12th day of May, 1909, in that

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certain action wherein C. B. Hancock and J. A. Bybee were plaintiffs and Heber Bloxham and T. J. Bloxham as executors of the estate of John Bloxham, deceased, and W. H. Coffin and Fred Aldous were defendants, which said decree is recorded in Judgment Book 2 Page 399 records of this Court in Bannock County, State of Idaho, to which said Decree reference is hereby made for description of said lands.

5.

It is further adjudged and decreed that the defendants and each of them and all persons claiming or to claim by, through or under them be and they are hereby forever barred from any and all claim of right or title to the waters of said springs hereinbefore awarded to the plaintiffs, (all of which said springs are situated in Township eleven (11) south, Range thirty-seven (37) east of Boise Meridian, in Bannock County, Idaho), and the right and title of the plaintiffs as hereinbefore adjudged and decreed are hereby established and quieted as against the said defendants and all persons claiming or to claim by, through or under them. It is further adjudged and decreed that the plaintiffs may at any time enter upon the lands and premises whereon said springs arise and are located for the purpose of removing obstructions from said springs and from the channels thereof in order to obtain the full and free flow of all water from said springs and through said channels and the said defendants and each of them, their agents, servants and employees are hereby perpetually restrained and enjoined from in any manner interfering with the plaintiffs' right to all of the waters of said springs, and from in any manner obstructing or interfering with the free flow of said waters down the natural channels of said springs to what is commonly known as Brush Creek (otherwise known as Brush Creek ditch or the new channel of Brush Creek), and from doing any act to prevent the plaintiff's ingress and egress upon and from said premises for the purpose of removing

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obstructions from said springs and the channels thereof; provided, however, that the plaintiffs shall perform upon such premises only such acts as are essential to the preservation and enjoyment of their rights to said waters, as in this decree determined and specified.

6.

6/9/75
29 634) It is further ordered, adjudged and decreed that the defendants and cross-complainants Christiana Kingsford, Albert Kingsford, Leonard Kingsford, Dora Newbold, Willard Kingsford, Ida Kingsford, Blanche Kingsford, Hazel Kingsford, Leslie Kingsford, Emon Kingsford, Della Kingsford, Harvey Kingsford, Carlos Kingsford, were at the time of the commencement of this action and now are the owners of the right to use for irrigation of their lands, described in this decree, and for culinary and domestic purposes, all of the waters of that certain springs which arises upon and near the east boundary line of, said south-east quarter of the south-west quarter of Section fourteen (14) township eleven (11) south, range thirty-seven (37) E.B.M., and of all of the waters of that certain spring which is located in a south-westerly direction from the spring above described in this paragraph, and between said spring and County Road which runs east and west along the north boundary line of the land of George Hancock, hereinbefore described, and the right and title of said defendants, Christiana Kingsford, Dora Newbold, Willard Kingsford, Ida Kingsford, and Blanche Kingsford, Hazel Kingsford, Leslie Kingsford, Emon Kingsford, Della Kingsford, Harvey Kingsford, Carlos Kingsford, in and to the waters of said two (2) springs in this paragraph described, is hereby established and quieted against all claims of the plaintiffs or any or either of them and all persons claiming or to claim by, through or under them, and the said plaintiffs and each of them are hereby forever barred from any and all claim of right or title to the waters of said springs or either of them, and the said plaintiffs, their

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agents, servants or employees are and each of them is perpetually restrained and enjoined from in any manner interfering with said defendants' use of all of the waters thereof.

7.

It is further ordered, adjudged and decreed that the plaintiffs do have and recover all and from the defendants their costs herein decreed taxed at _____ dollars.

Dated this 9th day of June, 1915.

F. J. Cowen,
District Judge.

Book 3 of Judgments, page 166.

STATE OF IDAHO,)
) ss/
County of Bannock,)

I, R. C. FARLEY, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original Decree in the case of Wm. J. Bybee, et al, vs. George Hancock, et al., recorded in Book 3 of Judgments, at page 166, as the same appears of record or on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Pocatello, Idaho, this 5th day of August, 1920.

R. C. FARLEY,
Clerk District Court,
Ex-Officio Auditor and Recorder.

By Lillian Sprague
Deputy.

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NOV 02 2005

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: **A29-00340A**
Date Received: 3/ 9/1990
Receipt No: **E012280**
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LOUIS BLOXHAM 208-897-5362
Address: PO BOX 41
DOWNEY ID 83234
OR
Name: LESLIE BLOXHAM 208-897-5362
Address: PO BOX 41
DOWNEY ID 83234

2. Date of Priority: JUN 9, 1915

3. Source: SPRINGS Trib. to: BRUSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	37E	14	NW	SE	SE		BANNOCK

5. Description of diverting works:
SPRING FLOW COLLECTED IN DITCH. DELIVERED TO GRAVITY PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.580		

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

8. Total consumptive use is 197.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 30 HEAD RANGE CATTLE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	37E	22	NE		NE		IRR	21.0
			SW		NE		IRR	4.0
			SE		NE		IRR	17.0
			NE		SE		IRR	23.0
			SE		SE		IRR	35.0

Section Acres 100.0

Total Acres 100.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-00339A, PORTION OF 29-02448

14. Remarks:
PRIORITY TAKEN FROM DECREE DATE.
THE OWNERS OF THIS RIGHT ARE ALLOWED TO USE THE ENTIRE FLOW
OF THE SPRING DURING THEIR 3 DAY ROTATION SCHEDULE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/ 9/1909

WM. J. BYBEE, ET. AL.
Decree Plaintiff

GEORGE HANCOCK, ET. AL.
vs Decree Defendant

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): *John Blakemore* Date: *3/29/95*
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29 day
of March 19 95 *Dane Cook*
Notary Public

Seal

Residing at *Heise, Id*

My Commission Expires *2/26/96*

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: A29-00340A
Date Received: 3/09/1990
Receipt No: 6012280
Received By: SN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOUIS BLOXHAM 208-897-5362
Address: P.O. BOX 41
DOWNEY, ID 83234
OR
Name: LESLIE BLOXHAM 208-897-5362
Address: P.O. BOX 41
DOWNEY, ID 83234

A2900340A

2. Date of Priority: JUN 09, 1915

3. Source: SPRINGS Trib. to: BRUSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
11S	37E	14	NW SE SE		BANNOCK

5. Description of diverting works:
SPRING FLOW COLLECTED IN DITCH. DELIVERED TO GRAVITY PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.580		

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

8. Total consumptive use is 197.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 30 HEAD RANGE CATTLE

A29-00340A

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Date: 03/09/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	22	SW	NE		IRR	4.0
			SE	NE		IRR	17.0
			NE	SE		IRR	23.0
			SE	SE		IRR	35.0
						Section Acres	79.0
						Total Acres	79.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-00339A, PORTION OF 29-02448

14. Remarks:
PRIORITY TAKEN FROM DECREE DATE.
THE OWNERS OF THIS RIGHT ARE ALLOWED TO USE THE ENTIRE FLOW
OF THE SPRING DURING THEIR 3 DAY ROTATION SCHEDULE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/09/1909

WM. J. BYBEE, ET. AL.
Decree Plaintiff

vs

GEORGE HANCOCK, ET. AL.
Decree Defendant

PROFILED

SCANNED
OCT 28 2005

MICROFILMED
NOV 13 1992

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 X 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): Louis B. Graham Date: 3-9-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of March 19 90

[Signature]

Notary Public
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 8-22-1994

Seal

Residing at _____

My Commission Expires _____

PROFILED

SCANNED
OCT 28 2005

MICROFILMED
NOV 13 1992

