

IDAHO DEPARTMENT OF WATER RESOURCES 09/18/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: SHERMAN SWIM
STAR RT BOX 251
POCATELLO ID 83201

SOURCE: MIDNIGHT CREEK TRIBUTARY: RATTLESNAKE CREEK

QUANTITY: 0.14 CFS

PRIORITY DATE: 12/11/1922

POINT OF DIVERSION:
T08S R34E S18 NENESW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.140 CFS

PLACE OF USE: IRRIGATION Within POWER County
T08S R34E S18 SWSW 7.0

7 ACRES TOTAL

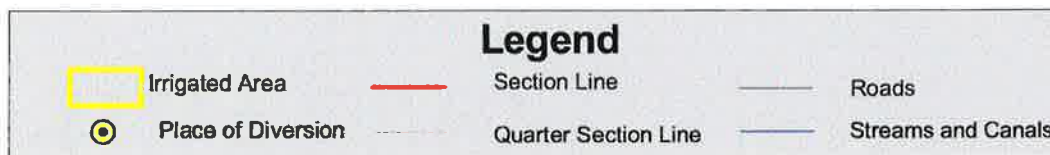
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

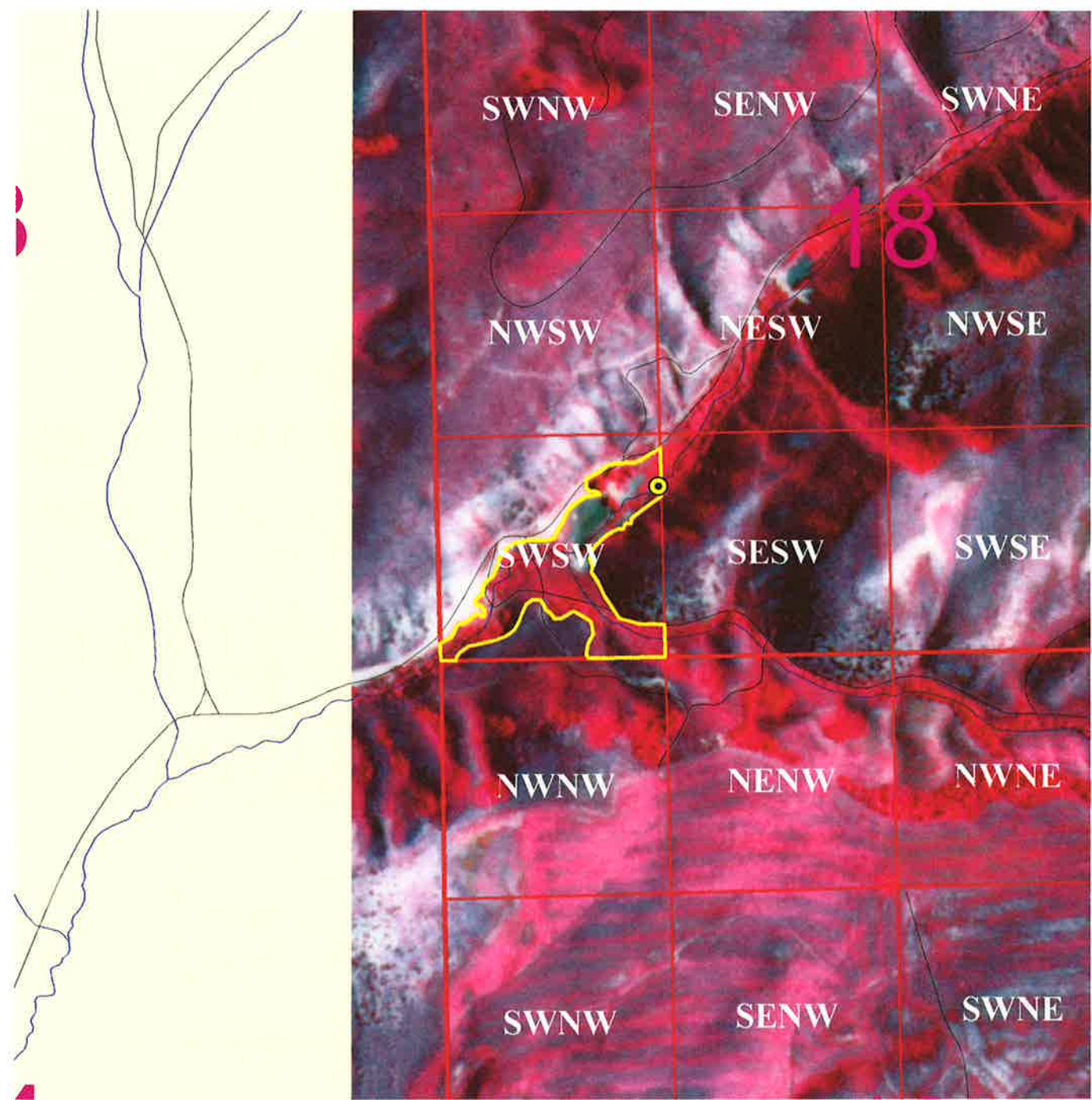
EXPLANATORY MATERIAL: License

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

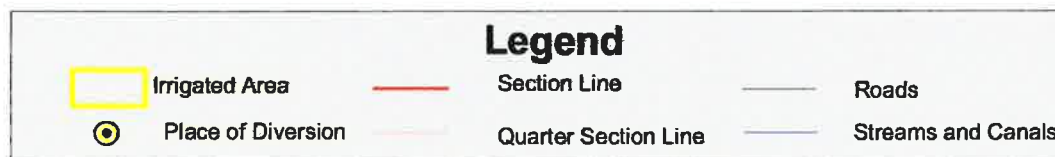
Township , 8S34E



Township , 8S34E

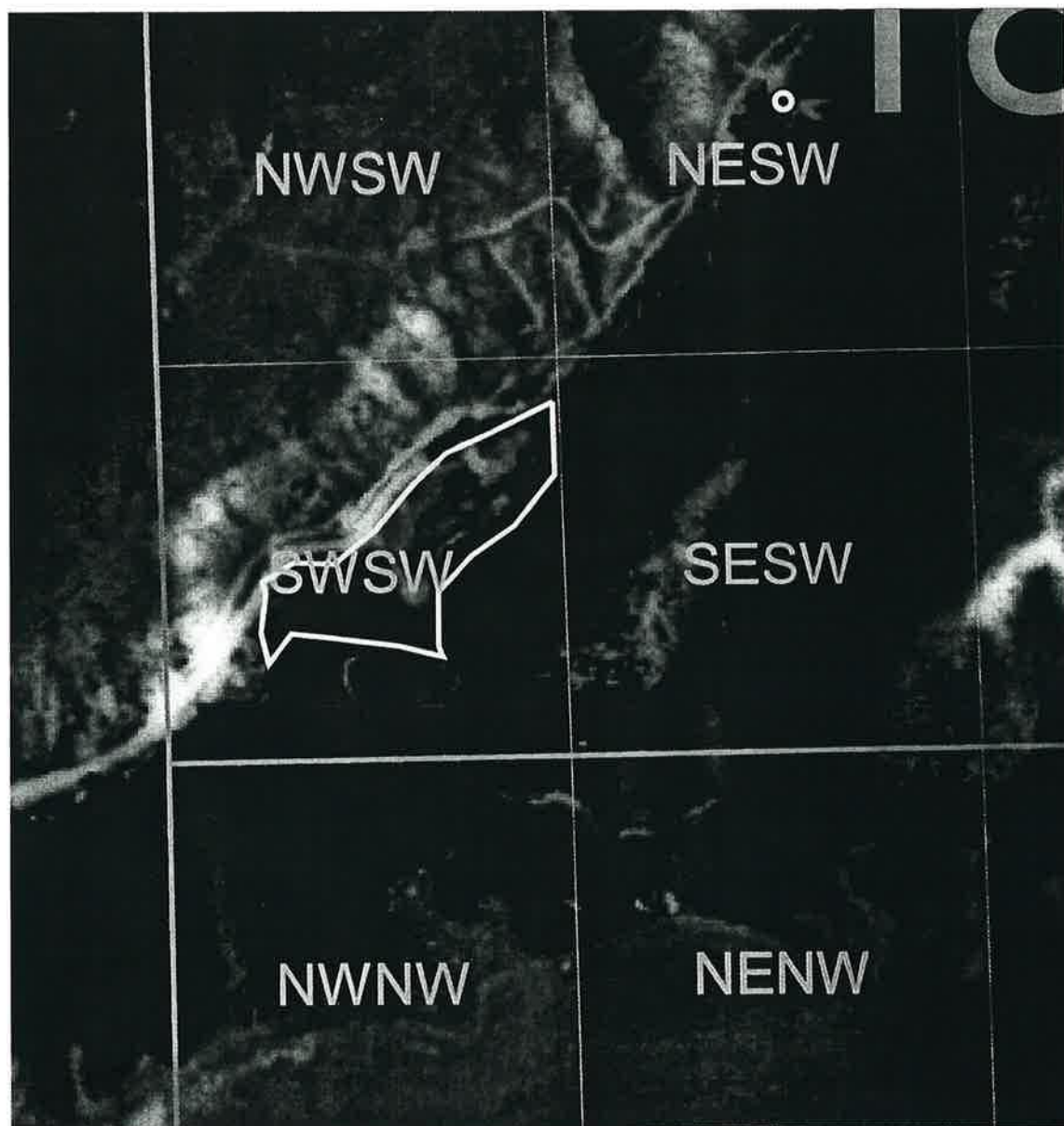


Township , 8S34E



Idaho Department of Water Resources

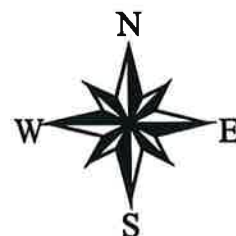
Water Right 29-2237A



- ⊙ Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- ▬ Township
- ▬ Section
- ▬ Quarter-quarter Section

PROFILED

SCANNED
DEC 30 2005



Township 8S Range 34E Section 18

Prepared from 1987/1988 NAPP photography by B. Contor, 9/2001.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2237A V1

Comments:

1. bcontor 9/18/2001 POU
Comment: Claimed POU verified with NAPP and contours on USGS map.
2. bcontor 9/18/2001 License
Comment: Claim is for part of license. Claimed POU is included within original license.
3. bcontor 9/18/2001 C03
Comment: Claimed POD verified by NAPP and contours on USGS map.
4. bcontor 9/18/2001 Priority date
Comment: Licensed date recommended. No documentation to support earlier claimed date.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/18/2001 9:33:36 AM	bcontor			Active
POD	9/18/2001 9:37:28 AM	bcontor			Active
Source	9/18/2001 9:37:56 AM	bcontor			Active
POU	9/18/2001 9:38:40 AM	bcontor			Active
Use	9/18/2001 9:39:14 AM	bcontor			Active
Season	9/18/2001 9:40:01 AM	bcontor			Active
Quantity	9/18/2001 9:40:41 AM	bcontor			Active
Summary	9/18/2001 9:43:47 AM	bcontor	9/18/2001 9:43:47 AM	bcontor	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2237A V1

POD	9/18/2001 9:39:04 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	9/18/2001 9:32:35 AM	bcontor	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk top review. No conflict between claim and license, NAPP consistent with claim.
Priority Date	9/18/2001 9:31:59 AM	bcontor	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (No) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/18/2001 9:33:34 AM	bcontor	Edited point location
POD	9/18/2001 9:34:04 AM	bcontor	Edited PLS
POD	9/18/2001 9:35:51 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - Tabular listing of claimed POD matches tabular licensed POD. Map with claim matches map with original license exam, but neither of these match the tabular description. Original POD per license sketch is consistent with lay of the land per USGS maps so this is the POD recommended.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2237A V1

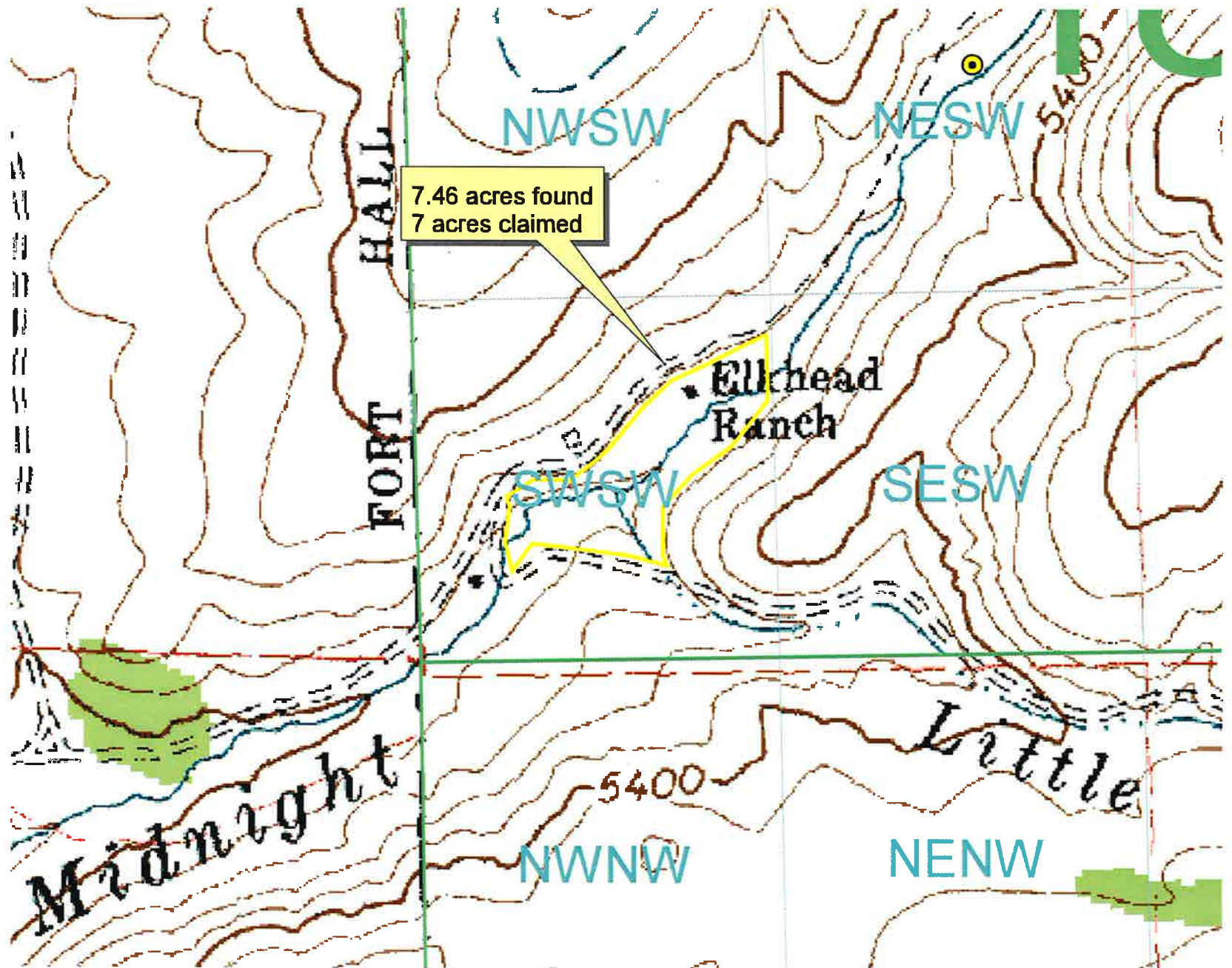
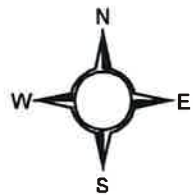
Source	9/18/2001 9:36:19 AM	bcontor	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/18/2001 9:36:40 AM	bcontor	Edited shape boundary
POU	9/18/2001 9:37:03 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	9/18/2001 9:37:37 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	9/18/2001 9:38:24 AM	bcontor	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	9/18/2001 9:42:10 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

POU analysis of 29-2237A from roads and
contour lines. B Contor 9/18/2001.

PROTECTED

DEC 3 0 2005

SCANNED



MAY 10 2001

Log for claim A29-02237A

Spatial Dynamics AMH

7/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s34e	18	SWSW	7	14	
Totals:			7	14	

AJ5809NP
No. A29-02237A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHERMAN SWIM STAR RT BOX 251 POCATELLO ID 83201 (208) 335-2318	06/01/1920	IRRIGATION	04-01 11-01	0.140 CFS	
TOTAL DIVERSION:					0.140 CFS	
CONSUMPTIVE USE:						17.50 AFA

Water Source: MIDNIGHT CREEK

Tributary to: RATTLESNAKE CREEK

Stage: LICENSE

Point(s) of Diversion:

T08S R34E S18

SWSW

POWER 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			
08S 34E 18 :												07												
TOTAL ACRES																					7.0			
																					7.0			

POU County: POWER

Non-Irrigation Uses: S/ UP TO 600 HEAD STOCK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10335 A29-10335

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02237 A29-10336

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

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

Audit: 11/14/94 DCARLSON 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15665

This proof is for B.Y. USE

In Water District No.

1. Name of applicant George A. Hansen and John Meyers

2. Source of water supply Midnight Creek

3. Location of point of diversion Is in the SW 1/4 Section 8

T. 8 S. R. 34 E. S. 4. County of Power

4. Describe works as they exist, giving dimensions and capacities of same. Ditch a grade from creek to west side of road, south of road full depth 2 feet, 2 feet to road, at its eastern end. The ditch is a narrow ditch, small work done to make water directly into ditch and out as flowing.

5. Water is used for Irrigation

6. State whether or not water has been turned into works of diversion. No

Approx 50' this day, about the same going down creek.

List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation). SW 1/4 Sec. 7; NW 1/4, SW 1/4, SE 1/4, NW 1/4, SW 1/4, SE 1/4, Sec. 18.

Twp. 6 S., R. 34 E. S. 4.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Pottawamette Cr. Snake R.

Remarks: Land on east side of section has a fall of 1/2 ft. grain. Soil is rich, ground, irrigated easily. Could not tell for what had been worked, as owner was now plowing but all water ditch could be irrigated, 100 acres.

MICROFILMED

BOW 13 1955

This examination was made on the 10th day of June 1925

(Signed)

R. H. Little

Bromley

15666

T. 8 S R. 3 E



15666

MICROFILMED
NOV 14 1995

State of Idaho

License and Certificate of Water Right

Water License No. 15666

Amount 1.5 sec. ft.

Water District No.

Priority 12-11-1925

THIS IS TO CERTIFY THAT GEORGE A. HANSEN and JOHN MEYERS of Crystal, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 11, 1925, that Permit No. 15666 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.5 second feet, was issued thereunder on December 26, 1925, showing that said works were completed on the 25th day of December, 1925 and that on the 27th day of December, 1927.

GEORGE A. HANSEN and JOHN MEYERS of Crystal, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Midnight Creek, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 15666 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 5638, on the 10th day of October, 1928.

The right hereby confirmed dates from December 11, 1925.

The Point of Diversion is located in the SW 1/4 SW 1/4, Sec. 8, Twp. 8 S., R. 34 E., B. M., County of Power.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	34 E.	7	SW 1/4 SW 1/4	3	7
		18	NW 1/4 NW 1/4	32	32
			SW 1/4 NW 1/4	30	30
			NW 1/4 SE 1/4	10	25
			SW 1/4 SE 1/4	5	15
					Total 109

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITN: SS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 10th day of October, 1928.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation

29-2237 Eastern Section
7/15/01 JAC

DO NOT MICROFILM
From WR License File Microfiche

MAY 10 2001

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: A29-02237A
Date Received: 2/16/1990
Receipt No: E012086
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERMAN SWIM 208-335-2318
Address: STAR RT BOX 251
POCATELLO ID 83201

2. Date of Priority: JUN 1, 1920

3. Source: MIDNIGHT CREEK Trib. to: RATTLESNAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	34E	18	SW	SW	SW		POWER

5. Description of diverting works:
DAM/ DITCHES TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 600 HEAD STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	34E	18	SW	SW		IRR	7.0

Section Acres 7.0

MICROFILMED

NOV 14 1996

10. Place of Use: Continued

Total Acres 7.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

Renumbered A29-022374

Ident. Number: A29-10336

Date Received: 2/16/1990

Receipt No: E012086

Received By: DC

11/14/94
DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERMAN SWIM 208-335-2318
Address: STAR RT BOX 251
POCATELLO, ID 83201

2. Date of Priority: JUN 01, 1920

3. Source: MIDNIGHT CREEK Trib. to: RATTLESNAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	34E	18	SW	SW			POWER

5. Description of diverting works:
DAM/ DITCHES TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 600 HEAD STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	34E	18	SW	SW		IRR	7.0

Section Acres 7.0

A29-10336

Page 1

Date: 02/16/90

11

MICROFILMED
MICROFILMED NOV 14 1992
NOV 14 1995

A2902237A



10. Place of Use: Continued

Total Acres 7.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

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): [Signature] Date: 2 16 90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of Feb 19 90

[Signature]
Notary Public

Seal

Residing at DEPARTMENT OF WATER RESOURCES
EASTERN REGIONAL OFFICE

My Commission Expires NOV 16 1992
IDAHO FALLS, IDAHO 83402

NOV 16 1992

POOR ORIGIN.