

01/12/2003

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

RIGHT NUMBER: 29-2564
NAME AND ADDRESS: RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598
SOURCE: CLIFTON CREEK TRIBUTARY: BANNOCK CREEK
QUANTITY: 2.200 AFY
PRIORITY DATE: 01/21/1964
POINT OF DIVERSION:
T09S R34E S3 NESWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	2.20 AFY
STOCKWATER STORAGE	01/01 12/31	2.20 AFY
IRRIGATION FROM STORAGE	03/15 11/15	2.20 AFY
FISH PROPAGATION STORAGE	01/01 12/31	2.20 AFY

PLACE OF USE: STOCKWATER STORAGE Within POWER County
T09S R34e S03 SWSE
IRRIGATION FROM STORAGE Within POWER County
T09S R34E S03 SWSE 3.0
FISH PROPAGATION STORAGE Within POWER County
T09S R34e S03 SWSE

3 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.

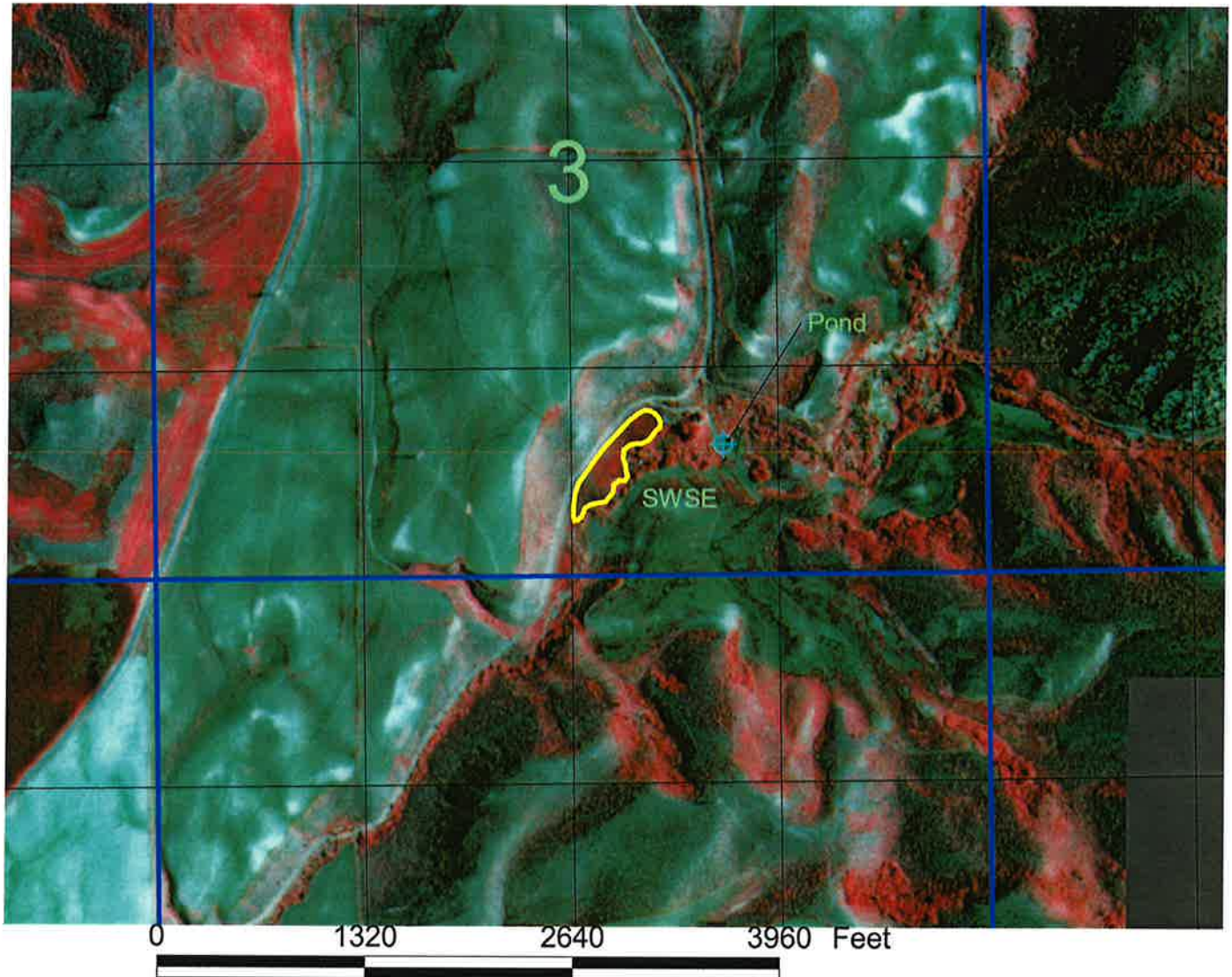
EXPLANATORY MATERIAL: License



Department of Water Resources

Claim No.: 29-2564

Twp 09S, Rge 34E



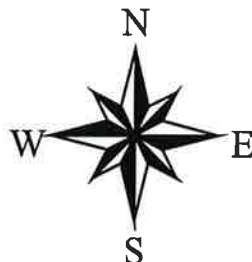
Irrigated Acres = 3

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

PROVIN

SCANNED

FEB 24 2006



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2564 V1

WATER RIGHT NUMBER: 29-2564 V1

Comments:

1. bcontor 8/10/2001 recommendation
Comment: See paper file 29-480.

2. bcontor 8/10/2001 Ownership
Comment: See letter from claimant requesting recommendation on PPU basis on lands owned by claimant, Mid Crystal Farms, and Hans and Twain Hayden.

3. bcontor 8/10/2001 Non-use
Comment: See paper file 29-480, 29-2144, eCVR 29-2144 for discussion regarding non-use of five acres in section 3.

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: C
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

*PPU Recommendation
adjusted per conference
w/ Keith Wilson. PPU }
combined limits changed.
Bae 8/15/01*

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>
Contacts	8/10/2001 11:56:44 AM	bcontor			Active
Contacts	8/10/2001 1:15:45 PM	bcontor			Active
Priority Date	8/10/2001 1:27:15 PM	bcontor			Active
POD	8/10/2001 1:35:51 PM	bcontor			Active
Source	8/10/2001 1:36:56 PM	bcontor			Active
POU	8/10/2001 1:50:17 PM	bcontor			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2564 V1

Use	8/10/2001 1:50:38 PM	bcontor		Active
Season	8/10/2001 1:51:41 PM	bcontor		Active
Quantity	8/10/2001 1:52:02 PM	bcontor		Active
Summary	8/10/2001 2:11:24 PM	bcontor	8/10/2001 2:11:24 PM	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/10/2001 1:15:43 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field inspection done 7/27/2001.
POD	8/10/2001 1:30:02 PM	bcontor	Edited point location
POD	8/10/2001 1:33:20 PM	bcontor	Edited point location
POD	8/10/2001 1:33:52 PM	bcontor	Edited PLS
Contacts	8/10/2001 11:56:41 AM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field exam already completed.
POD	8/10/2001 1:30:18 PM	bcontor	Edited PLS
POD	8/10/2001 1:31:11 PM	bcontor	Edited point location
POD	8/10/2001 1:32:30 PM	bcontor	Edited PLS
Source	8/10/2001 1:36:54 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Field inspection, license 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Priority Date	8/10/2001 1:27:13 PM	bcontor	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/10/2001 1:35:47 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: See paper file, also paper file 29-480. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: See answer to #5 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2564 V1

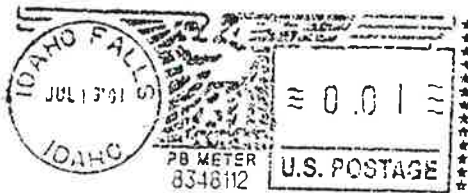
POU	8/10/2001 1:39:59 PM	bcontor	Edited shape boundary
POU	8/10/2001 1:40:21 PM	bcontor	Edited PLS
POU	8/10/2001 1:50:15 PM	bcontor	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: See paper file, paper file 29-480. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: See answer to #6 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Season	8/10/2001 1:51:38 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	8/10/2001 1:52:00 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	8/10/2001 2:10:09 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (YES) There is indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2564 V1

Use	8/10/2001 1:50:35 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
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10WR 20 N Skyline St A
Idaho Falls ID 83450



Hans Hayden
3747 Mid Crystal Rd
Arbon ID 83212

USPS 1997 recycled

Mr Hayden -

Next Wednesday July 25th I plan to be in the Clifton creek area, investigating place of use of irrigation claims. This is mostly a "drive-by" visit, with some walking and picture taking. It appears that you operate the Russell Hayden and Ben Hayden lands as well as your own.

If you wish to be around, please call me Monday or Tuesday at 525-7161 or 282-7846. Thank
Dyce A. Contor

Used for air storage in 1980s - currently

used for fish prop -

Ask Russell when 5 acres irrigated -
Hans will ask Russell for note -
Dac 7/26/01

PROF

SCANNED

FEB 24 2000

Field Exam Map for 29-2564 (Section 3 POU)



SCANNED
FEB 24 2006

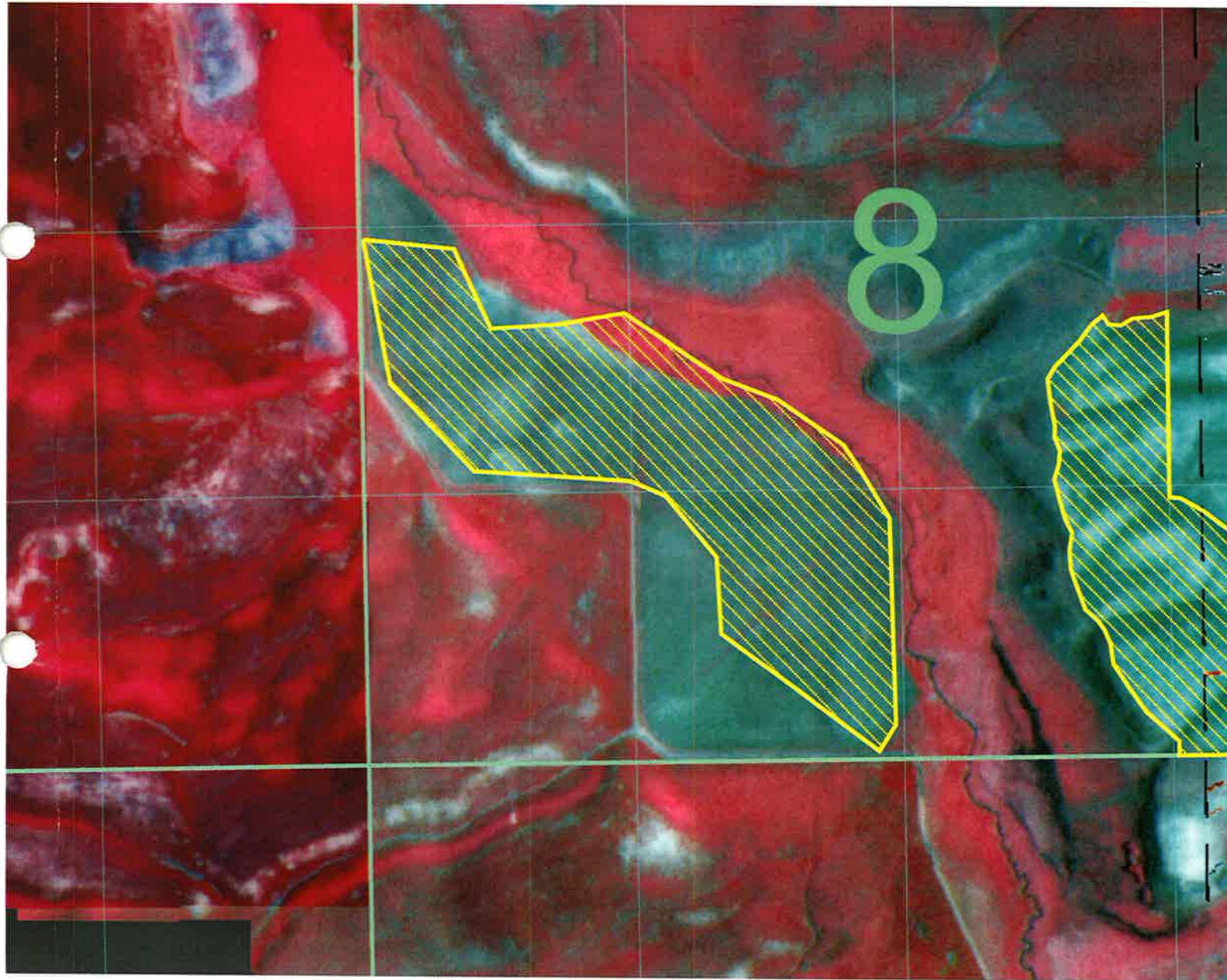
9S 34E 3

PROFILED

Sketched in field
7/26/01
Bac



Field Exam Map for 29-2564 (Section 8 POU)



SCANNED
FEB 24 2006

9S 34E 8

PROFIED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-2564 Priority January 21, 1964 Amount 2.2 Acre Feet

THIS IS TO CERTIFY, that Russell J. Hayden
of Arbon, Idaho, has complied with the terms and conditions of Permit
No. 29-2564 Issued pursuant to Application for Permit dated January 21, 1964
and has submitted proof to the Department of Water Resources on November 15, 1974
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.2 Acre Feet of water from Clifton Creek
tributary to Rattlesnake Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Storage for	from January 1 to December 31	at N/A cfs and	2.2 Acre Feet
Irrigation	from March 15 to November 15	at N/A cfs and	2.2 Acre Feet
Storage for	from January 1 to December 31	at N/A cfs and	2.2 Acre Feet
Fish Propagation & Stockwater	(both dates inclusive)		

Subject, however, to the condition that no more than 2.2 Acre Feet of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.2 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3,
Twp. 9S, Rge. 34E in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	34E	3															5	5	
		8										17	24		16			57	

Total number of acres irrigated 62

Point of redirection: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Twp. 9S, Rge. 34E

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-22, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6 day of

Sept., 19 83.

Director

DO NOT MICROFILM
From WR License File Microfiche

Eastern Region microfiche
29-2564 7/18/01 BAC

RECEIVED

2. Source of water supply: Groundwater ☐ Surface water ☒ Clifton Creek
(name spring, stream, etc.)
Tributary to Snake River, via Rattle Snake Creek

- Other uses: _____

- Max Rate of Diversion 16.5 cubic feet per second and annual volume _____ AF/Annum.

- Township 9S N/S, Range 34E E/W, B.M., Section 3, Subdivision SE $\frac{1}{4}$ SE $\frac{1}{4}$, Power
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision $\frac{1}{4}$ $\frac{1}{4}$,
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision $\frac{1}{4}$ $\frac{1}{4}$,
County

Other Points of Diversions: Re-diversion pt: SW 1/4 Sec. 8, Twp. 9S, Rge. 34E, B.M.

Description of diverting works: Earth filled dam 10' in height - crest length 100' - 20' width at top - 75' wide at base - Outlet works 22" dia. culvert - 18" cement culvert spillway - & 12' wide & 4' deep spillway.

Measuring device required: yes ☐ no ☒

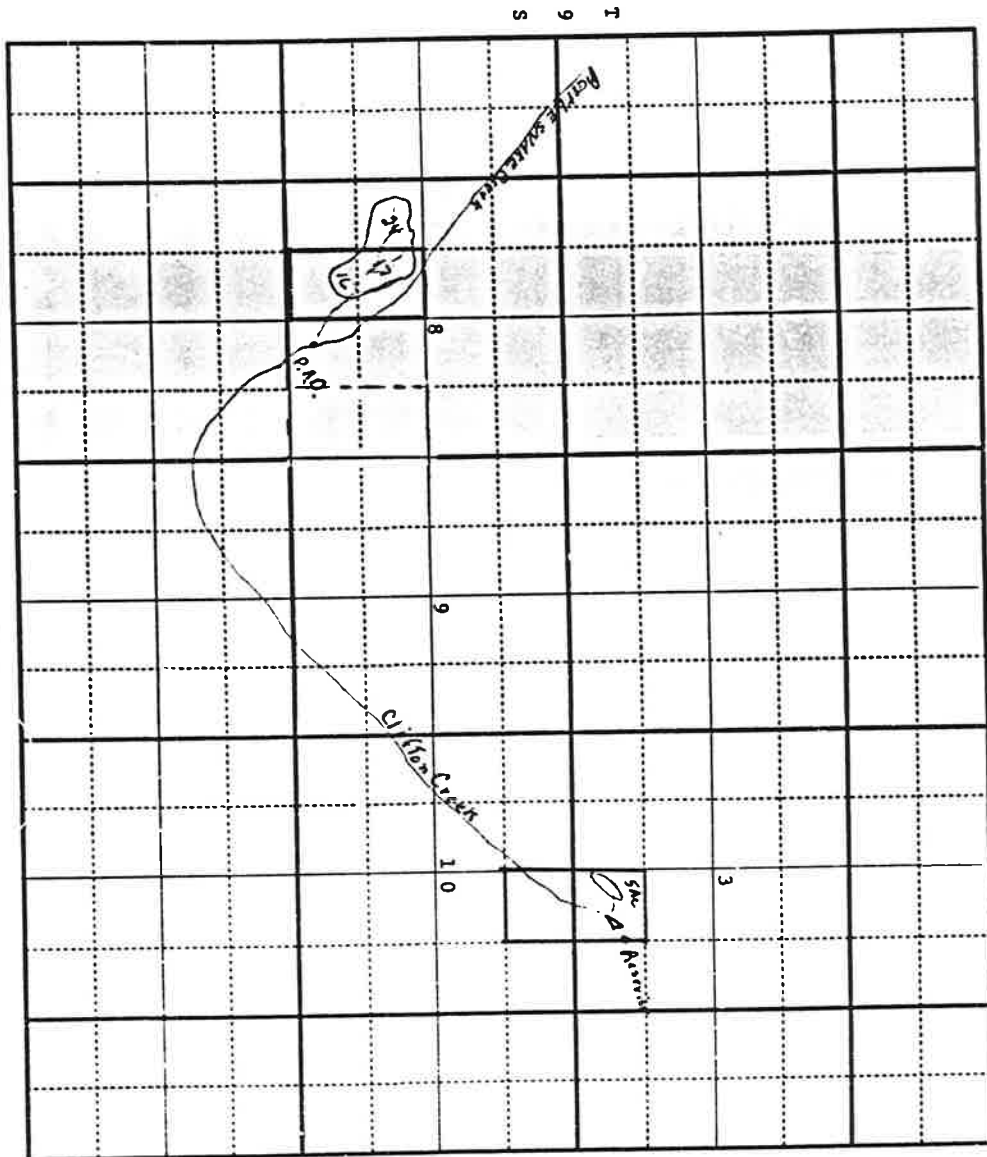
6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 87

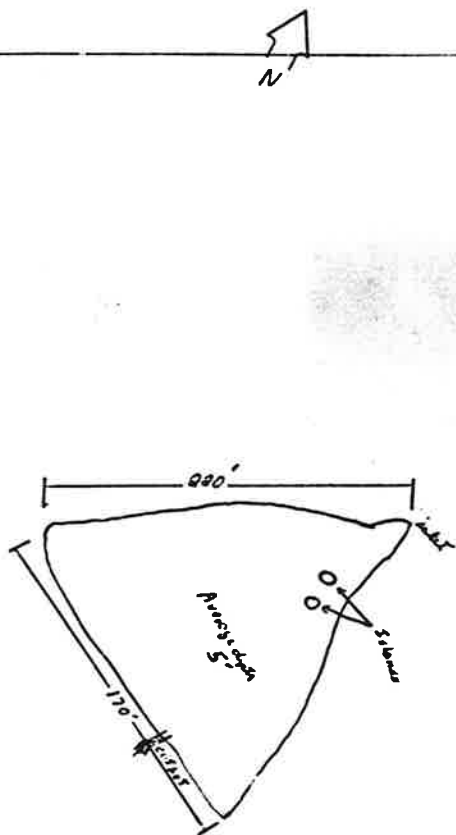
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From WR License File Microfiche

 DO NOT MICROFILM
 From WR License File Microfiche

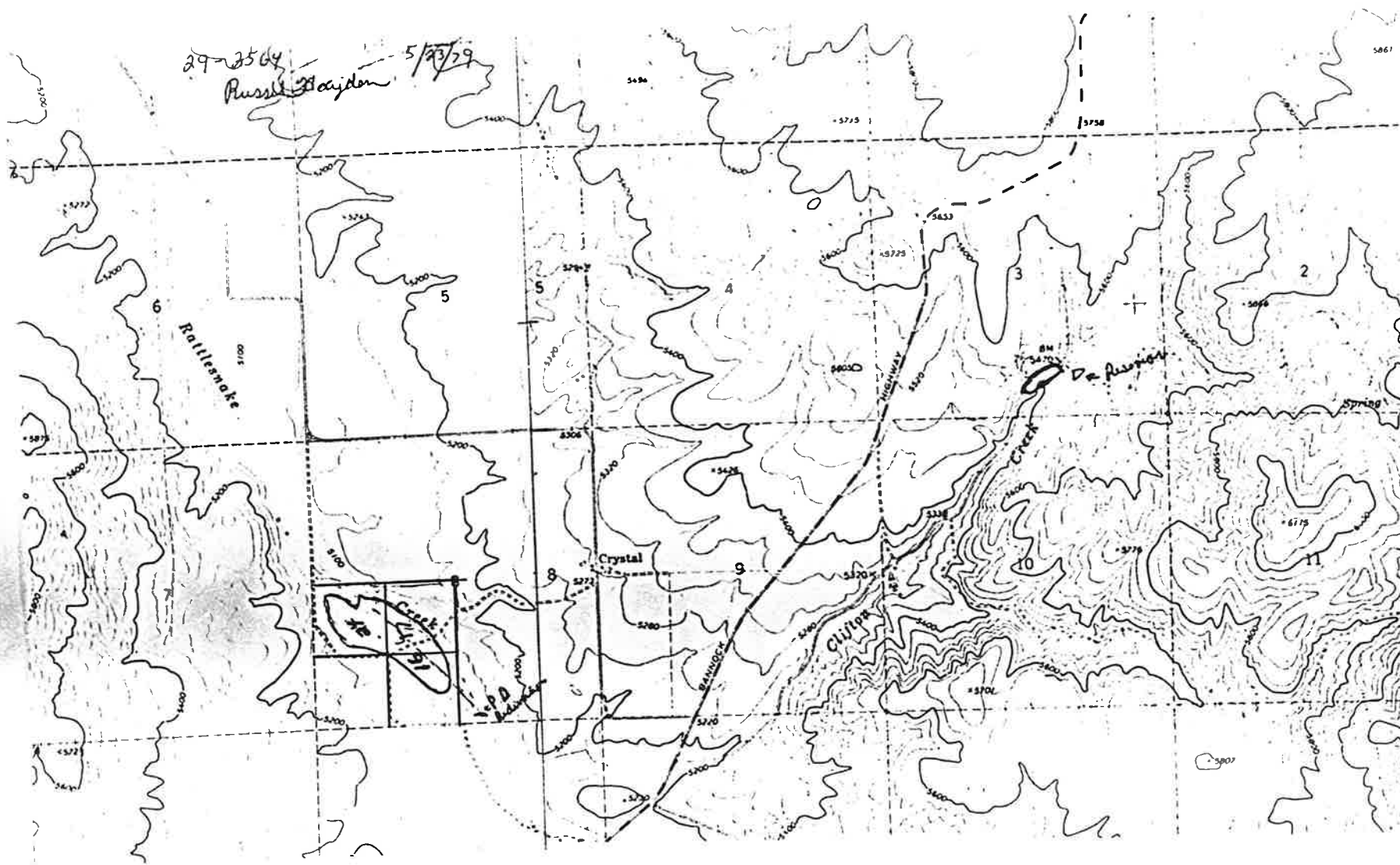


Rge - 34E

Diagram of System



unc



 DO NOT MICROFILM
 From WR License File Microfiche

DATE OF EXAM May 23, 79

ACREAGE

Found 62 Ac ✓
Recommended 62 Ac ✓

Irrigation Requirement 35.50 Ac Ft/Ac

Storage for irrigation 8.15 AF 1' 200.15 12-31 March 15
Irrigation for storage 2.15 AF V= AF/Ann. from March 15 to March 15
Fish Pond Domestic Q 2.15 AF V= AF/Ann. from Jan 1 to Dec 31
Livestock Q 2.15 AF V= AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes no X

Name source: N/A
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: N/A
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of injection: N/A
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of exchange: N/A
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Total Q measured — Method of measurement Size of reservoir

Total Q recommended — Meter No. — Type — Condition —

Total V recommended 2.15 AF

Note: See 2-2144

Recommended Amendments:

P.D. — Pond in SW 1/4 Sec 8
Place of Use —
Other —
None —

MEASUREMENT CALCULATION:

Reservoir capacity = 220' by 170' = 37400 = 850 AF ÷ 2 = 425 AF by 5 ft deep = 2.15 AF volume

SYSTEM DESCRIPTION:

Surface water on Clifton Creek runs through a dam 10' high and 100' wide and 20' wide. It is limited to 5 AF of pond in the same 40' by 20' area. Allowed to flow downstream to a deadgate and diverted in the SW 1/4 Sec 8, T 9 N, R 34 E.

REMARKS:

System shown and described by Russell J. Hayden
6-29-2144 and described by 24-2144 for natural flows of Clifton Creek NO SURVEY

Examiner's Signature John D. Carlson Date 3/21/80

Checked by Anthony R. Kozlowski Date 4-4-80

Approved by [Signature] Date 2-28-83

3-15-83

DO NOT MICROFILM
From WR License File Microfiche

Calculation for On Stream Storage w/ no direct flows

Storage for Irrigation Use

$$Q = \frac{L \times W}{\frac{1}{2}} = \frac{220 \times 170}{2} = \frac{37,400}{2} = 18,700$$

$$\frac{18,700 \times 5}{43,560} = \frac{93,500}{43,560} = \underline{\underline{2.15 \text{ Af}}} \checkmark$$

Irrigation from Storage Use

$$Q = 62 \text{ Ac} \times 5.0 = 310.0 \text{ Af}$$

Note: Allow 2.15 Af ✓

Storage for Fish Prop & Livestock Use

$$\underline{\underline{2.15 \text{ Af}}} \checkmark$$

$$P = \frac{2}{28/83} \text{ in } 3.5 \times 10^3$$

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From WR License File Microfiche

INTER-DEPARTMENT MEMO — 1

DATE 4-28-83

FROM Tim

TO File

SUBJECT

~~FILE~~ conversation w/ Dean Carlson regarding
time period of storage. John did not
recall any reason for limiting storage
to 11-15 to 3-15.

The field exam should be changed to 1-1 to 12-31

SIGNATURE _____

MAY 10 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

March 5, 1996

KARL J. DREHER
DIRECTOR

RECEIVED

MAR 13 1996

RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A29-00480, A29-07111, A29-02498,
A29-07272, A29-02509, A29-02564 & A29-04022
Change of Address

Not modified - as 3-14-96.

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Russell J Hayden
Claimant

MICROFILMED

NOV 13 1996

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: A29-02564
Date Received: 3/07/1990
Receipt No: M006179
Received By: RWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL J. HAYDEN 208-233-2526
Address: 2573 N. MINK CREEK RD.
POCATELLO, ID 83204

2. Date of Priority: JAN 21, 1964

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	34E	3	SE	SW	SE		POWER
		8		SW	SE	R	POWER

5. Description of diverting works:
10' HIGH DAM, 28" FLOW GATE, TWO SPILLWAYS PUMPED OUT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			2.20
IRRIGATION FROM STORAGE	03/15	11/15			2.20
STOCKWATER STORAGE	01/01	12/31			2.20
FISH PROP. STORAGE	01/01	12/31			2.20

7. Total Quantity Appropriated is:
C.F.S. (and/or) 2.20 A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
FISH POND S/5 HORSES

A29-02564

Page 1

Date: 03/07/90

MICROFILMED
NOV 13 1992

A2902564



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	34E	3	SW	SE	IRR	5.0
					Section Acres	5.0
		8	NE	SW	IRR	17.0
			NW	SW	IRR	24.0
			SE	SW	IRR	16.0
					Section Acres	57.0
					Total Acres	62.0

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:
L/29-07110

14. Remarks:
IN ADDITION TO FISH POND IT IS SURGE STORAGE FOR IRRIGATION
WATERS FROM LICENSES 29-07272, 29-07110 & 29-02144.

15. Basis of Claim: LICENSE
Water Right Number: R1174

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): Russell J. Hayden Date: 3/7/90
_____ Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of March 19 90

Josh Dale Carter
Notary Public

Seal

Residing at Boise ID
My Commission Expires 4/2/94