

12/23/2002

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

RIGHT NUMBER: 29-4241

NAME AND ADDRESS: MARY LOIS BLOXHAM
2972 E HWY 40
DOWNEY ID 83234

VON G BLOXHAM
2972 E HWY 40
DOWNEY ID 83234

SOURCE: SPRING

TRIBUTARY: MARSH CREEK

QUANTITY: 0.710 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/05/1920

POINT OF DIVERSION:

T12S R37E S6 SWNESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.710 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S05	NWSW	8.2	T12S R37E S06	NESE	22.0
T12S R37E S06	NWSE	1.1			

STOCKWATER same as IRRIGATION

31.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-4242 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 31.3 ACRES IN A SINGLE
IRRIGATION SEASON.

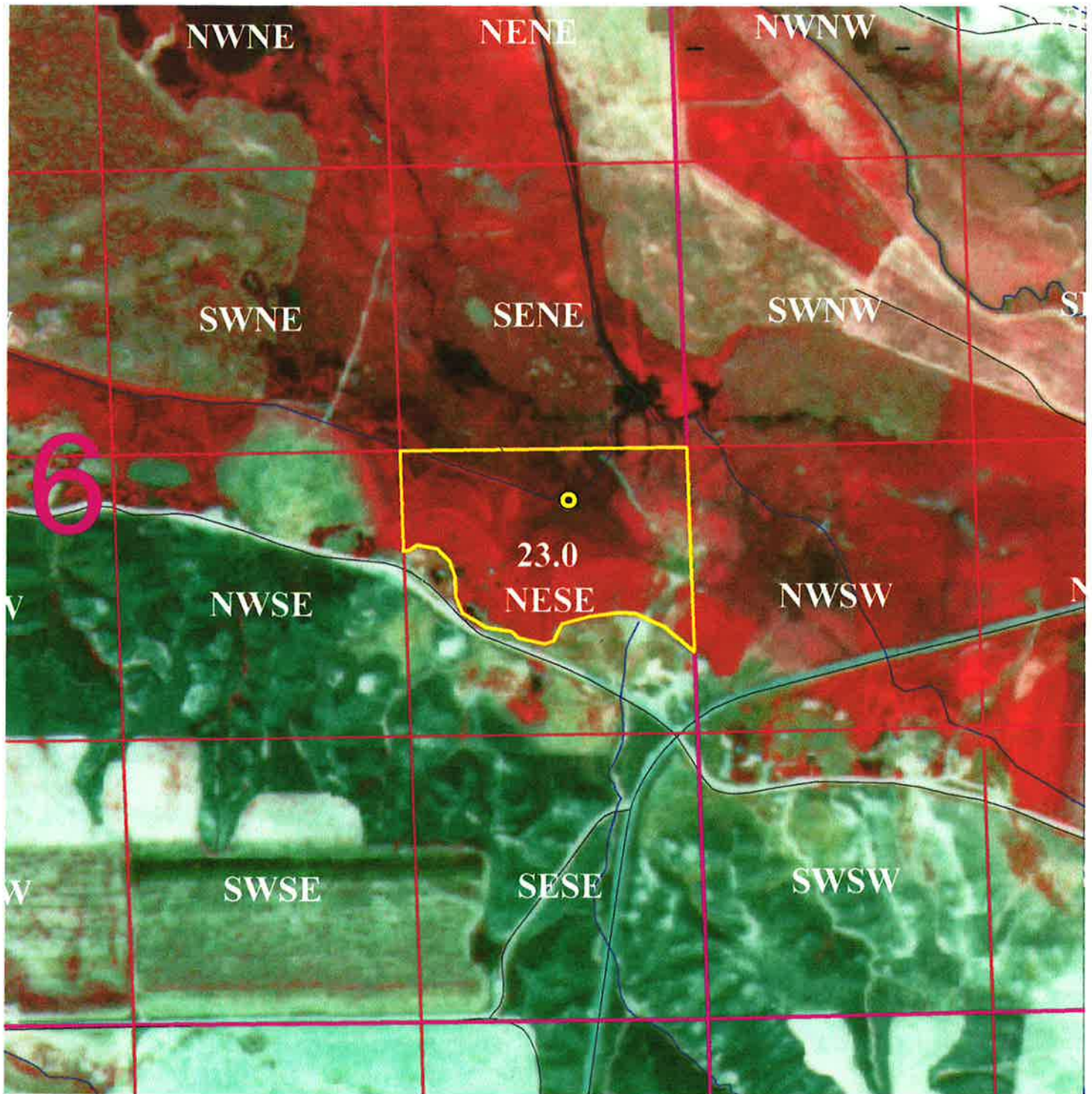
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

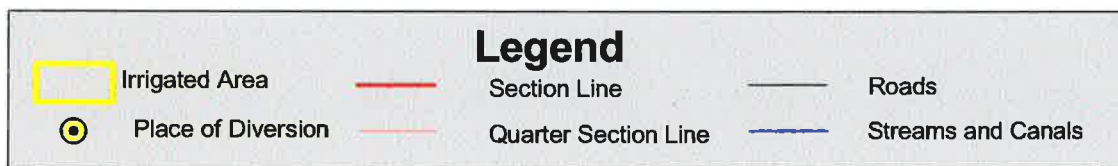
Township , 12S37E



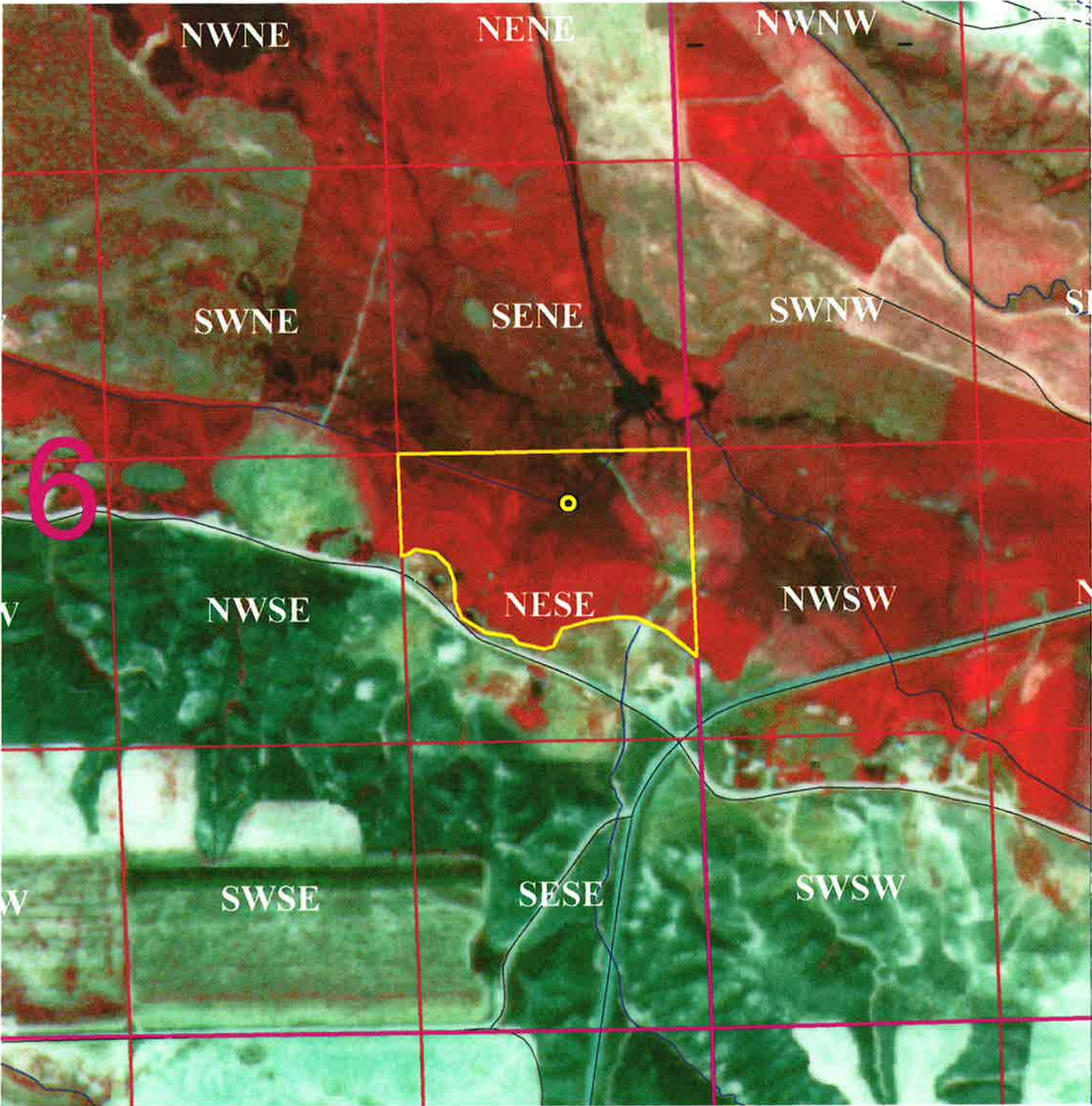
6

12/19/02

ABR



Township , 12S37E



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

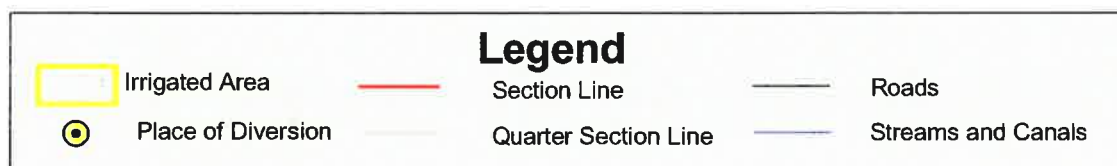
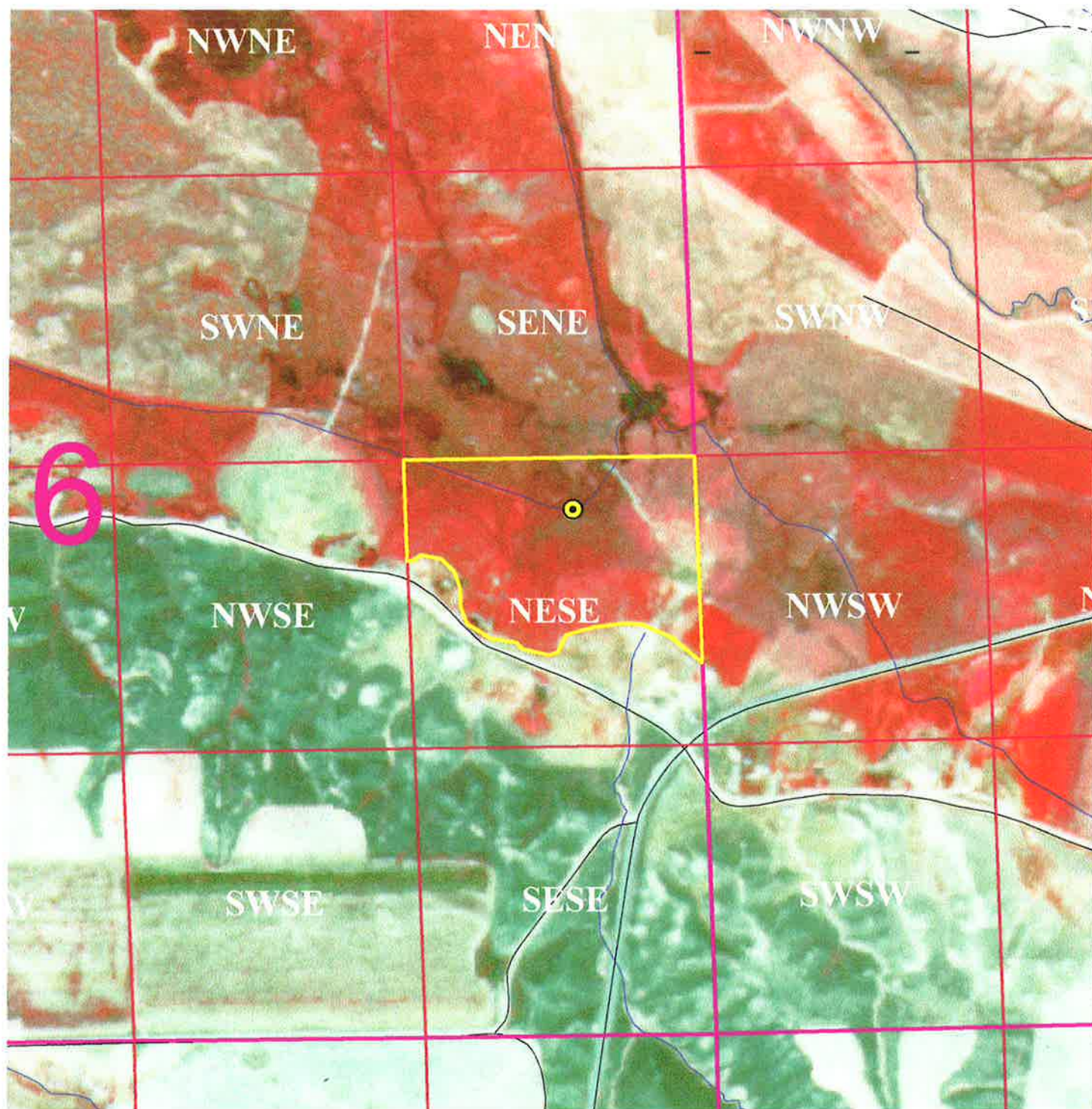
 Roads

 Streams and Canals

Legend



Township , 12S37E





MAR 03 2005

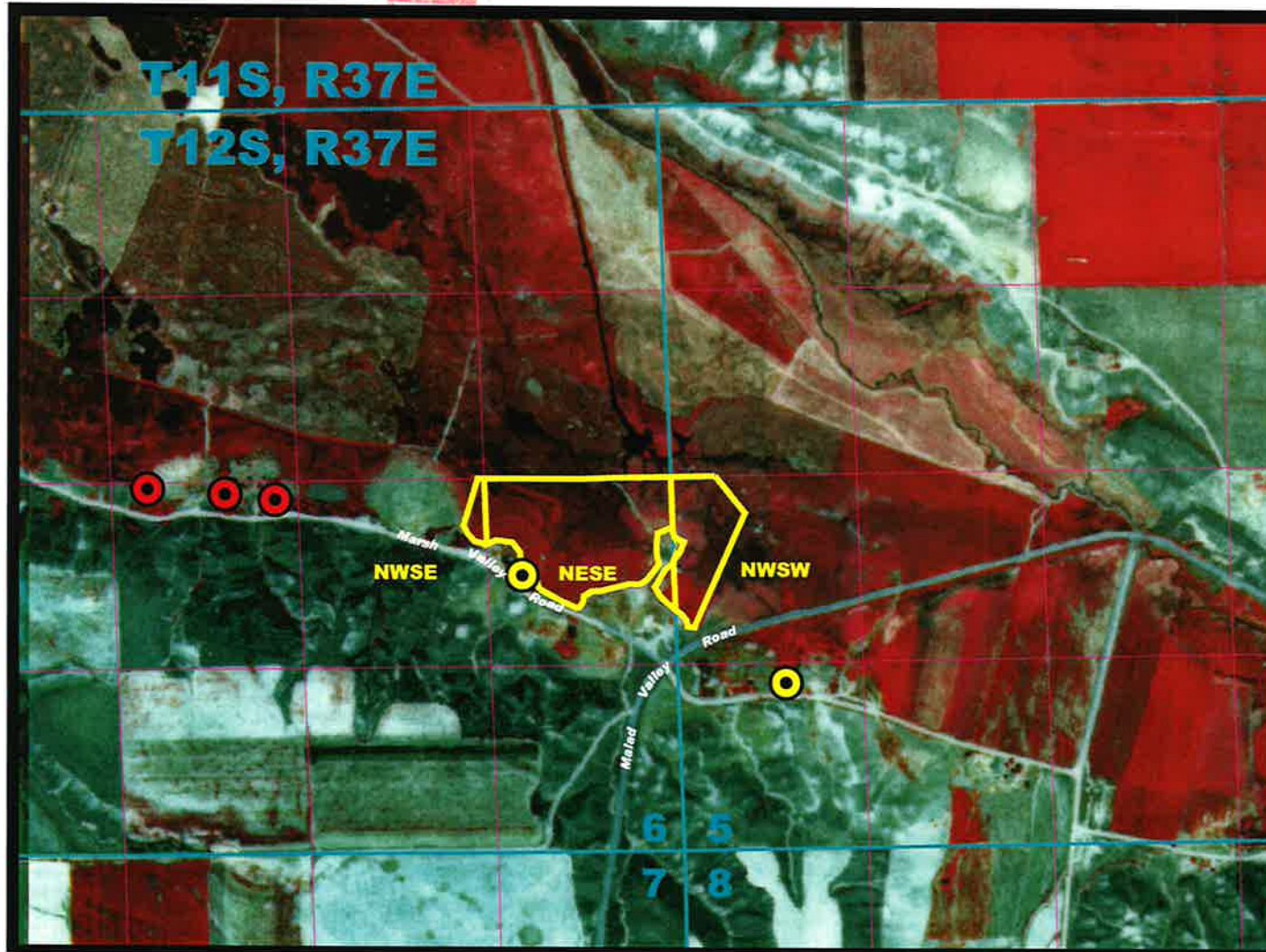
SCANNED

2005

State of Idaho

Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 Feet

Water Right(s):

29-04241,

29-04242

Place of Use: (parts of) T12S, R37E
Sec. 5 NWSW, Sec. 6 N2SE

Point(s) of Diversion: T12S, R37E
Sec. 5 NESWSW (spring)
Sec. 6 SWNESE (spring)



LEGEND



Point of Diversion

SESE

Place of Use



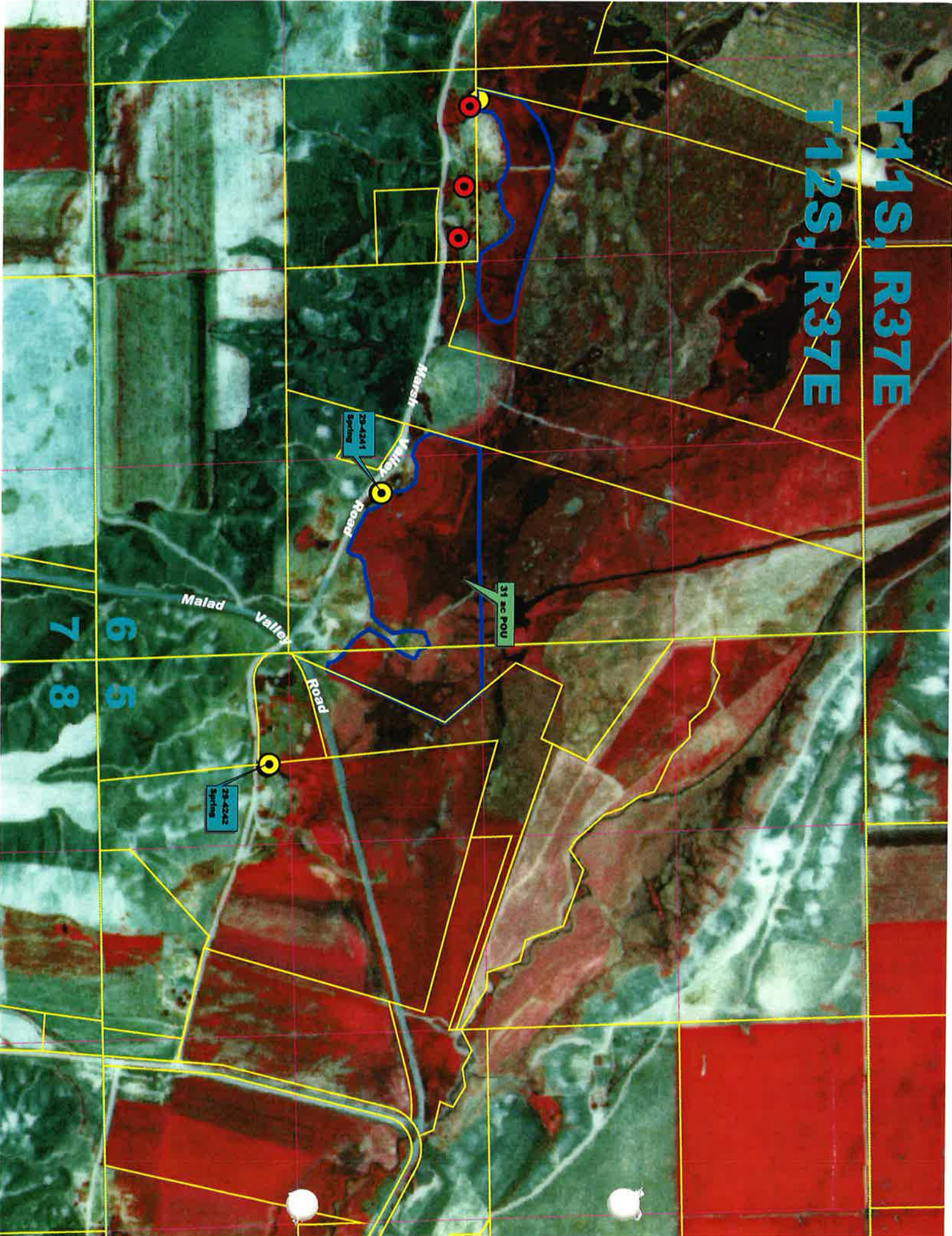
Section

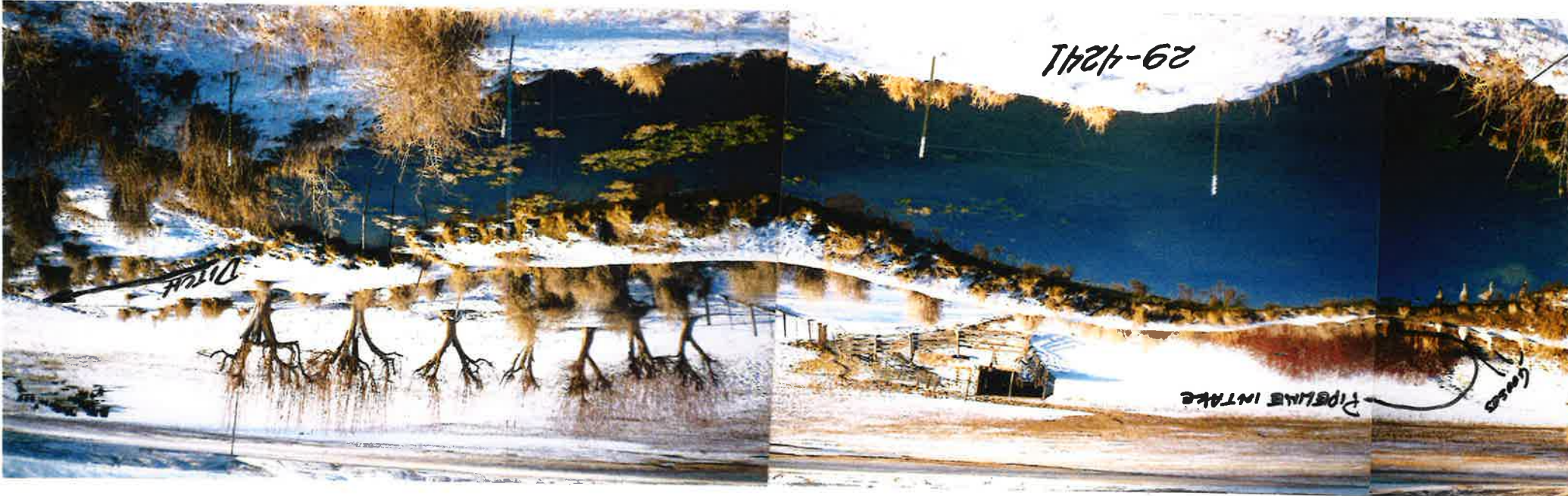


Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2002

T11S, R37E
T12S, R37E





Contacts Data Entry Form

29-4241 STAT

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner John Broxham

Name connector: and ____, or ____, and/or ____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

12/19/02 Met Mr. Broxham - VISITED ROD's Place etc.
He gave me evidence of Priority

Reviewer: _____

Date: SCANNED

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THE UNITED

To all to whom

Homestead Certificate No. 22211

Application 5081

OF THE LAND OFFICE at

to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual

John C. Poyham
West half of the North East quarter and the
rem. in Township twelve South of Range thirty
forming one hundred and sixty acres

according to the OFFICIAL PLAT of the Survey of the said Land, returned to the GENER.

Now know ye, That there is, therefore, granted by the United States unto

the tract of Land al
thereof, unto the said John C. Poyham
heirs and assigns forever; subject to any vested and accrued water rights for mining, ag
connection with such water rights, as may be recognized and acknowledged by the local
a vein or lode to extract and remove his ore therefrom, should the same be found to
reserved from the lands hereby granted, a right of way thereon for ditches or canals cons

In testimony whereof I, Hillia
have caused these letters to be made Patent, &
GIVEN under my hand, at the CITY OF WASHINGTON
nine hundred and one, and

BY THE PRESIDENT:.....

Recorded Idaho, Vol. 47, Page 2

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Page 2 - This
other have to
come in mail.

RECEIVED
DEC 23 2002
Department of Water Resources
Eastern Region

STATES OF AMERICA,

these presents shall come, Greeting:

the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER

_____, whereby it appears that, pursuant
to "Settlers on the Public Domain," and the acts supplemental thereto, the claim of

has been established and duly consummated, in conformity to law, for the

*East half of the North West quarter of Section eight
T-1-S-1-E-1, of Once Meridian in Idaho, con-*

GENERAL LAND OFFICE by the SURVEYOR GENERAL:

to the said

John C. Royham

above described: To have and to hold the said tract of Land, with the appurtenances

and to

his

agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in
customs, laws, and decisions of courts, and also subject to the right of the proprietor of
penetrate or intersect the premises hereby granted, as provided by law. And there is
instructed by the authority of the United States.

Wm. McKinley

_____, PRESIDENT OF THE UNITED STATES OF AMERICA,
and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

ON, the *eighth* day of *June*, in the year of our Lord one thousand
of the Independence of the United States the one hundred and *twenty-fifth*

William McKinley

By

F. McKeen

Secretary,

Wm. Bush

Recorder of the General Land Office.

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Priority Date Data Entry Form

Claim Number: 29-4241

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/5/1920 Claimed Basis: STAT. 243 BURecommended Priority Date: _____ Recommended Basis: BU☐ 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:

EVIDENCES OR Priority letter sent 6/28/02,
12/18/02 Original Homestead Document, Homestead
CERTIFICATE 3224, DATED 18 June 1901.

* SUB AG Letter in 29-4242

Overview of 29-04242

FILE INDICATED: POD, Sources, POW

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 125, R 37E, Sec. 6,____, NE, SE. County: BANNSource: STREAMS ? Tributary: SINKS

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

GPS TAG# A0009297

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>125</u>	<u>37E</u>	<u>6</u>		<u>SWNESE</u>	<u>BANN</u>	<u>SPRING</u>

GPS Coordinates: _____

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:

STREAMS → UNNAMED STREAM(?) OR SPRING ?SOURCE IS ACTUALLY A SPRING DIVERTED INTOA DITCH FOR IRRIGATION & STOCK USE -

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
12S	37E	6	N	B			14	Panig

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Stock same POU as Panig

Overlap w/ 4242 - Limits each to Ac

4241 ⇒ 14/31

4242 ⇒ 30/31

* POU fits property boundary on East and West sides.

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Purpose of Use Data Entry Form

Claim Number: _____

_____ 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrig	_____	_____	142	_____
Stock	_____	35	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrig	_____	_____	14	_____
Stock	_____	35	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

Stock same as Irrig as Irrig.

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Truck	4/1	11/1	0.30	_____
Stock	1/1	12/31	0.02	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 0.32 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Truck	4/1	10/31	_____	_____
Stock	1/1	12/31	0.02	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Interpried Aug measured @ 0.71 cfs
SOLL-DEPT. STD

Reviewer: _____

Date: _____

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June 28, 2002

VON BLOXHAM
2972 E HWY 40
DOWNEY ID 83234

RE: EVIDENCE OF PRIORITY FOR 29-04241 and 29-04242

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

29-04241 is a statutory claim showing a Priority Date of 4/5/1920, from an unnamed stream tributary to sinks. 29-04242 is also a statutory claim showing a Priority Date of 6/8/1901, from an unnamed stream tributary to Marsh Creek. Please provide supporting documentation supporting the claimed Priority Dates.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind**

PROFI

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MAR 03 2005

of Evidence is Required” and “Some Examples of Documents Which May Be Evidence of the Priority Date”.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on “Evidence of Priority”
Notice of Claim 29-04241 and 29-04242 (copies)

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MAR 03 2005



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 4241
POD ID 164252
Quad Downey West
Claim Type L
Easting 650393
Northing 146816
GPSID A0009297

Diversion Description

SPRINGS DIVERTED into 4" pipe. Pipe runs 3" deep @ .1 slope. Springs dammed by earthen berm.

Assumptions

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

OD ID 164252 01.JPG OD ID 164252 03.JPG
OD ID 164252 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

19

10/20/01

12.48

0.708325646039613

Invoice #

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☒ More than half full
☐ Full

Diameter 0.333

Depth 0.25

☐ Rectangular Channel

Width

Depth 0.25

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☒ Manning (If used, include photo of representative channel section)

Channel Slope 0.1

Channel Description

Concrete lined .016
Smooth earth .025
Earth .033
Rough bed, weeds on sides .04
Smooth natural stream .033
Rough natural stream .1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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MAR 03 2005

JUN 04 2001

Log for claim A29-04241

Spatial Dynamics TWB

5/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	6	NESE	0	0	POD placement?
12s37e	6	NESE	14	23	
Totals:			14	23	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Von G. or Mary Lois Bloxham
(Name of Claimant)

Downey, Idaho 83234

(Mailing Address)

(Zip Code)

Telephone No. 897-5772

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 4-5-1920

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Streams tributary to Sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.30 cfs.</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity	<u>0.02 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.32 TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SE 6 Twp. 12S Rge. 37E B.M., County of Bannock

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headbox with mainline and ditch for flood irrigation

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
12S	37E	6													14				14

No. of acres 14

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 35 head range cattle

If you are claiming water as a member of an organization, list name of organization:

DATE: 04/24/00
PAGE: 108

Audit: 06/27/89 OLENICHA 07/20/94 THOMPSON 03/29/95 POST-STD

JUN 04 2001

864

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: A29-04241
Date Received: 6/27/1989
Receipt No: E009289
Received By: TD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VON G. BLOXHAM 208-897-5772
Address: 2972 E. HWY 40
DOWNEY, ID 83234

AND/OR
Name: MARY LOIS BLOXHAM 208-897-5772
Address: 2972 E. HWY 40
DOWNEY, ID 83234

2. Date of Priority: APR 05, 1920

3. Source: STREAMS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	6		NE	SE		BANNOCK

5. Description of diverting works:
SPRINGS DIVERTED INTO TWO PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/35 RANGE CATTLE

A29-04241

Page 1

Date: 06/27/89

MICROFILMED

NOV 13 1992

A2904241



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	37E	6	NE SE		IRR	14.0
Section Acres						14.0
Total Acres						14.0

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:
29-4242.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 2

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): Von Blot Date: June 27/1989
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27th day

of June 19 89

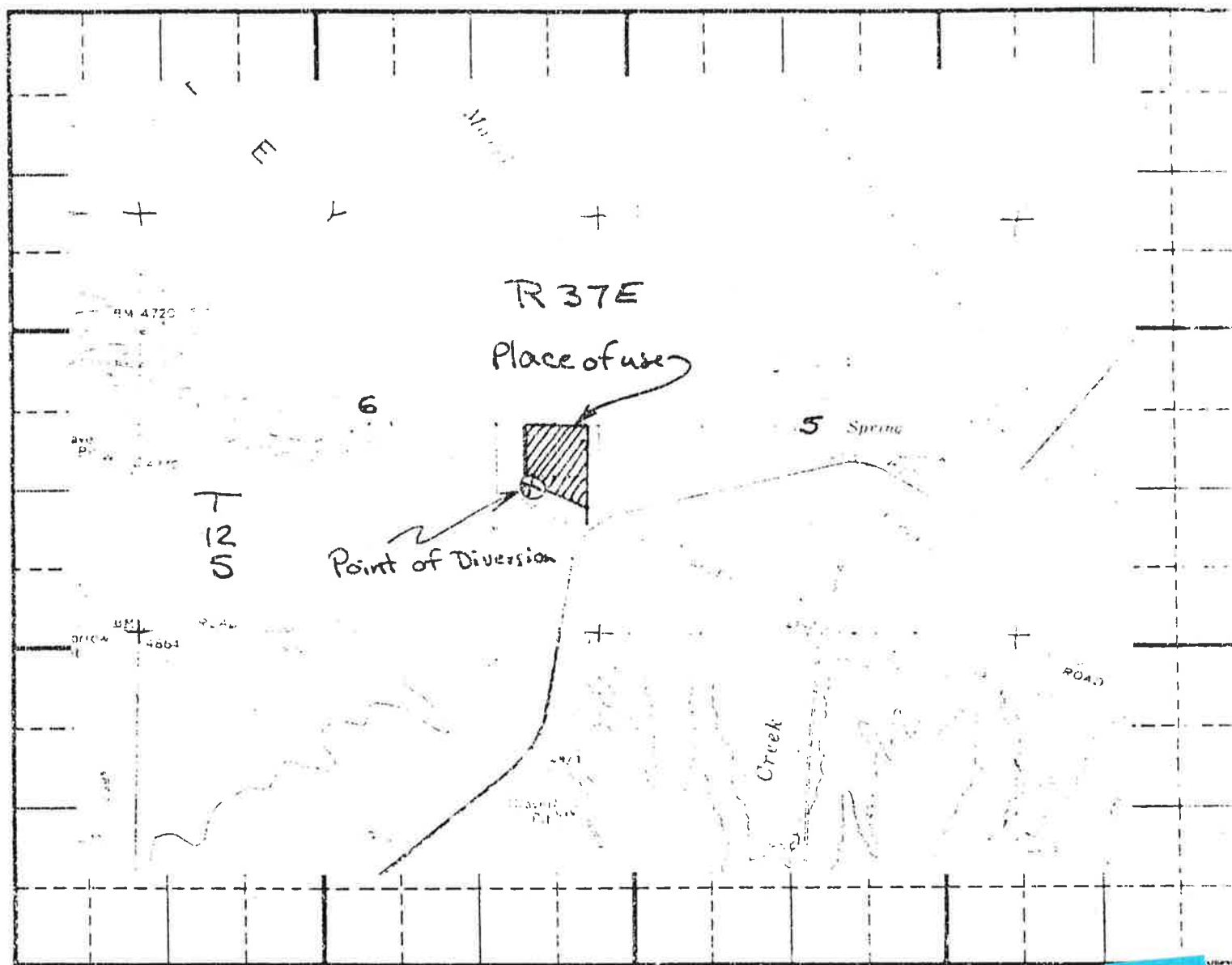
Anthony S. O'Brien
Notary Public

Seal

Residing at Hebo Falls

My Commission Expires 9/12/1994

(8) Remarks Numerous springs combined into a common system



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre section, township and range of the public land survey system.

State of Idaho)

County of Bannock)

ss.

MICROFILMED

NOV 13 1992

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.