

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

RIGHT NUMBER: 29-13215
NAME AND ADDRESS: RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598

HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

SOURCE: RATTLESNAKE CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.800 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480, 29-13215,
29-13522, 29-2509 AND 29-7272

PRIORITY DATE: 10/01/1903

This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement where the parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree [the decree in United States v. Daniels, (D.Idaho April 9, 1907, unpublished)]." 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4. In times of shortage, this water right and other water rights decreed in United States v. Daniels, are superior to the federal based natural flow right nos. 29-466, 29-467, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.

POINT OF DIVERSION:

T09S R34E S8 NESW Within POWER County Source: RATTLESNAKE CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.800 CFS

PLACE OF USE: IRRIGATION Within POWER County

T09S R34E S08	SWNW	5.4	T09S R34E S08	NESW	28.0
T09S R34E S08	NWSW	36.0	T09S R34E S08	SESW	39.0
T09S R34E S08	NWSE	1.9	T09S R34E S08	SWSE	10.0

120.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND
29-7272

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

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.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-478 AND 29-481.

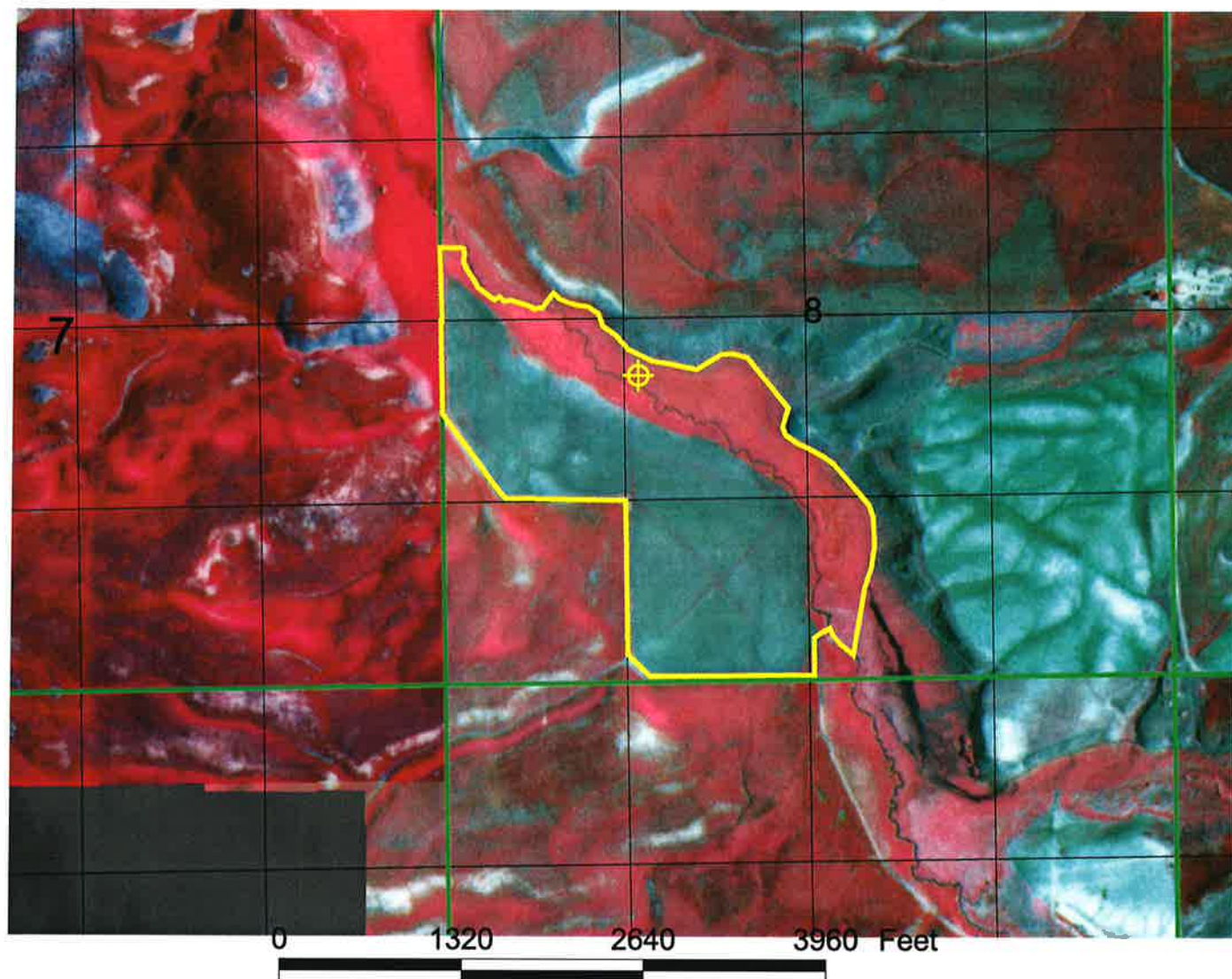


Department of Water Resources

Claim No: 29-480

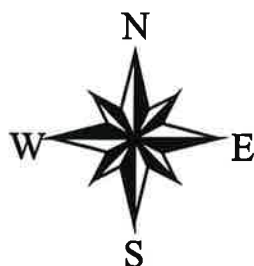
29-13215

TwP 09S Rge 34E



Irrigated Acres = 120.3

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



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

MEMORANDUM

To: 29-13215-

Fr: Byca Contor

Date: 7/2/01

Re: Acres

Original decree neglected acres, only naming aa. Original per likely was flood in w/in decreed aa.

29- 478 Decreed to 4 aa's, of which it appears 8/4 were imjecte by gravity.

29- 481 Decreed to 2 aa's, of which it appears 4/2a were imjecte by gravity.

This totals 123 acres imjecton.

Division rate claimed is ~~1.24~~ ^{0.80} q's.

~~1.24~~ / 0.02 = ~~62~~ ⁴⁰ acres nominal imjecton.

Because this is day-farm suitable climate, application at lower rates could still leave a bene ficial "Supplemental" effect, so I construe the more liberal

Acres p2

123 acres of original irrigation.

BAC

- 10 January 2003 -

- Affidavit by claimant ~~dated~~ signed July 27, 2001 stated that water under this combined right was applied to one QQ. Affiant also states that 0.02 cfs/acre is required for irrigation. Relying on this information, I am changing the p.p.u. to 40 acres from the 123 acres cited above.

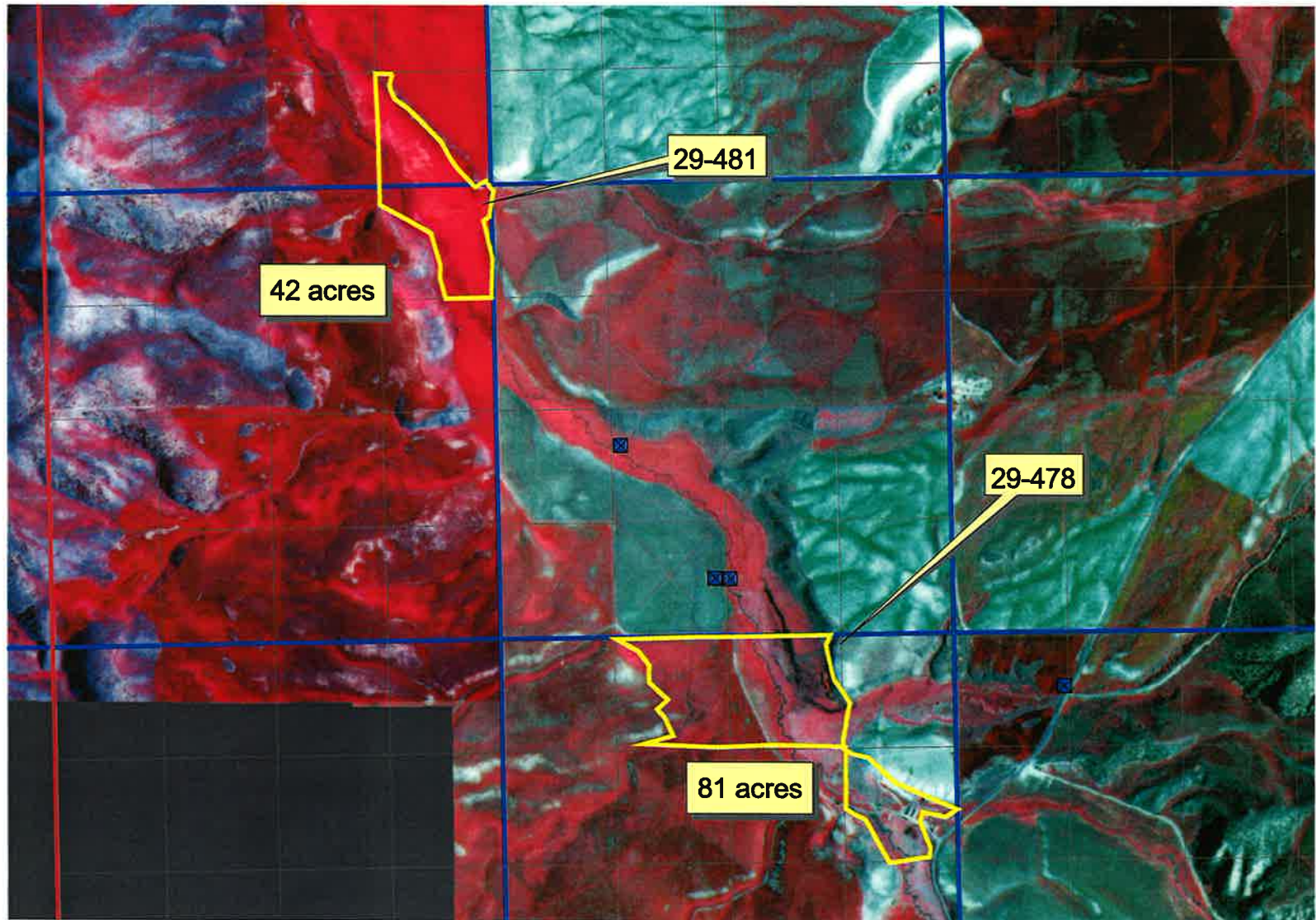
Ernest Carlson

Decreed Places of Use, 29-478, 29-480, 29-481



29-13215. Irrigable lands within QQ sections
described in Decree for 29-478 and 29-481

Shapes made using images & USGS contours.



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 29-13215
Date Received: 8/9/2001
Receipt No: E027090
Received By: B Contor

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

RUSSELL J HAYDEN Phone: (208)233-2526

PO BOX 598
SODA SPRINGS ID USA 83276-0598

TWAIN HAYDEN Phone: (208) 335 2152

3747 MID CRYSTAL ROAD
ARBON ID USA 83212

HANS HAYDEN Phone: (208)335-2152

3747 MID CRYSTAL RD
ARBON ID USA 83212

2. Date of Priority: 10/01/1903

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	34E	8	NW NE SW	POWER	

5. Description of diverting works:

Pumps to sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.24	

7. Total Quantity Appropriated is:
1.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
09S	34E	8	NE	SE		IRRIGATION	35
			NW	SE		IRRIGATION	13
			NE	SW		IRRIGATION	28
			NW	SW		IRRIGATION	35
			SE	SE		IRRIGATION	37
			SW	SE		IRRIGATION	31
			SE	SW		IRRIGATION	38
						Section Acres	217
						Total Acres	217

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:

14. Remarks:

See attached memo. This claim is for the difference between the 1.84 cfs described in the memo and the 0.60 cfs claimed with claim 29-480. It is claimed on a permissible place of use basis with the other rights of claimants. See recommendation 29-2144.

Russell Hayden owns the lands in the SW quarter of section 8, Twain and Hans Hayden own the other claimed lands. See file for requests from both sets of owners requesting water rights be recommended on a permissible place of use on all the jointly-operated lands.

This claim is for the W.E. Verley right referenced in the memo, and enough of the Snyder right to make the claimed 1.24 cfs. The Verley right appears to be numbered 29-481 and the Snyder right appears to be numbered 29-478 on the water right database.

Claim given temporary database status pending return of signed claims. For data entry purposes only Hans Hayden was listed as an owner; the copy sent for signature will have blank lines for insertion of owners names. B. Contor 8/9/2001.

See attached memo. This claim is for the difference between the 1.84 cfs described in the memo and the 0.60 cfs claimed with claim 29-480. It is claimed on a permissible place of use basis with the other rights of claimants. See recommendation 29-2144.

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15. Basis of Claim: Decreed

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 29-13215

Date Received: 8/9/2001

Receipt No:

Received By:

Bac
E027089 27080
Bac 9/6/01

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name Hans Hayden Phone 208 335 2152

Address 3746 MID CRYSTAL RD
ARBON, IDAHO 83212

Name connector (and/or) OR

Name TWAIN HAYDEN Phone 208 335 2152

Address 3747 MID CRYSTAL RD
ARBON, IDAHO 83212

Name connector (and/or) OR

Name Russell Hayden Phone 208 547 3730

Address PO Box 598
Soda Springs, Idaho
83276

Name connector (and/or) _____

Name _____ Phone _____

Address _____

A2913215



2. Date of Priority: 10/01/1903

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
09S	34E	8	NW	NE	SW	POWER	

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7. Total Quantity Appropriated is:
1.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
09S	34E	8	NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	13
			NE	SW	IRRIGATION	28
			NW	SW	IRRIGATION	35
			SE	SE	IRRIGATION	37
			SW	SE	IRRIGATION	31
			SE	SW	IRRIGATION	38
Section Acres						217

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? No

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15. Basis of Claim: Decreed

16. Signature(s)

Number of attachments: Memo (3 pages), Map (1 page)

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: 9/3/01
[Signature] Date: 9/3/01
June L. Hayden Date: 9/3/01
Date: _____

State of Idaho)

County of Power)

SS.

Subscribed and sworn (or affirmed) before me this

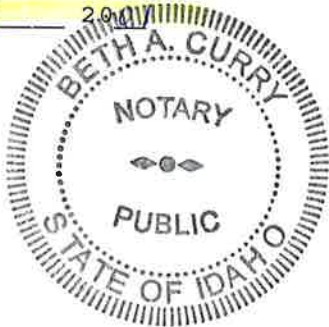
3rd

day

of

9/3

2001



Beth A. Curry

Notary Public

Residing at

Aubon, id

My commission Expires

8/12/04

7/27/2001

IWDR:

As referencing A29-0480 there needs to be a change to reflect the historic use of this water. The acres as referenced in the adjudication application are correct, but the water quantity is very understated. We hereby request that .02 cfs/acre or 1.84 cfs total be applied to A29-0480.

EXPLANATION

As to "US et al vs George Daneils, et al, decree 4/9/07 File Number 71-1 (copy included) there are three water rights involved in land historically and presently irrigated from Rattlesnake. As to A29-0480 as filed under the adjudication application there is only .6 cfs but at .02 cfs/acre that should be 1.84 total cfs.

There are two corrections as reference by names on this decree:

W.E. Verley (maybe 29-0481)

The historic use of this water includes more than the single entry from the above decree. Only the rights of J.H. Meadows was entered and the water from W.E. Verley needs to be included as all the water that he ever used was on NW 1/4 of SW 1/4 of Section 8 of 9S 34E which is land already included in A29-0480. The decree references areas of Sec 6 and 7 which were not irrigated as from my earliest memory. The next land owner, O.. Hatch also used the water on this part included in A29-0480. Therefore this .6 cfs should be included for the land where it was and has been used from the beginning through today.

W.C. Snyder

Also partially included should be water from W.C Snyder as he received a water quantity by the decree from Rattlesnake but the water that he and subsequent owners used in the 20's through 40's was from Clifton Creek from which he did not have a water right. This use has been discontinued for 60 years. Water from Rattlesnake is not possible to get to almost all of the land referenced in the decree. But the water from Rattlesnake was partially used on the land referenced in A29-0480 because of his use of Clifton Creek.

We request that the quantity appropriated for A29 -0480 be corrected to reflect the .02 cfs per acre that is legally allowed as that is most correct with the land ownership and historic and present use. All rights to Clifton Creek are also owned by Russell Hayden and Mid Crystal Farms which jointly asking for this correction.

No other irrigation from Rattlesnake exists or ever have existed other than that discussed herein as to the area involved. Only the land included in A29-0480 was ever irrigated, confirming the errors of the land referenced in the decree.

As to priority dates, the younger of the dates is for JH Meadows (10-1-1903)^{which} could be for the whole quantity of water even though WC Snyder was one year earlier (1902). There are no date advantages for this decree as both of these are the least priority of all rights included in the decree.

Attachment to A29-13215

Page 2, A29-0480

Russell Hayden
Russell Hayden
Date 7/27/01

Notary

Donna Wilson

Hans Hayden, Mid Crystal Farms
Date 8/2/01

Hans Hayden

Signed before me at Idaho Falls, Bonneville
County, 8/3/2001



Bryce A. Contor
Notary Public
Residing at Mod Lake, ID
Commission Expires 10/14/2005

Illustration of Place of Use for Claim 29-13215

