

07/01/2003

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

RIGHT NUMBER: 29-13530

NAME AND ADDRESS: BARRY T WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

VALORIE WILLIAMS
1227 MINK CREEK RD
ARBON ID 83212

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.140 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1910

POINT OF DIVERSION:

T11S R34E S7 SWSESW 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	0.120 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within POWER County

T11S R33E S12 SESE 6.0

STOCKWATER Within POWER County

T11S R33E S12 SESE T11S R33E S12 SESE

6 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.

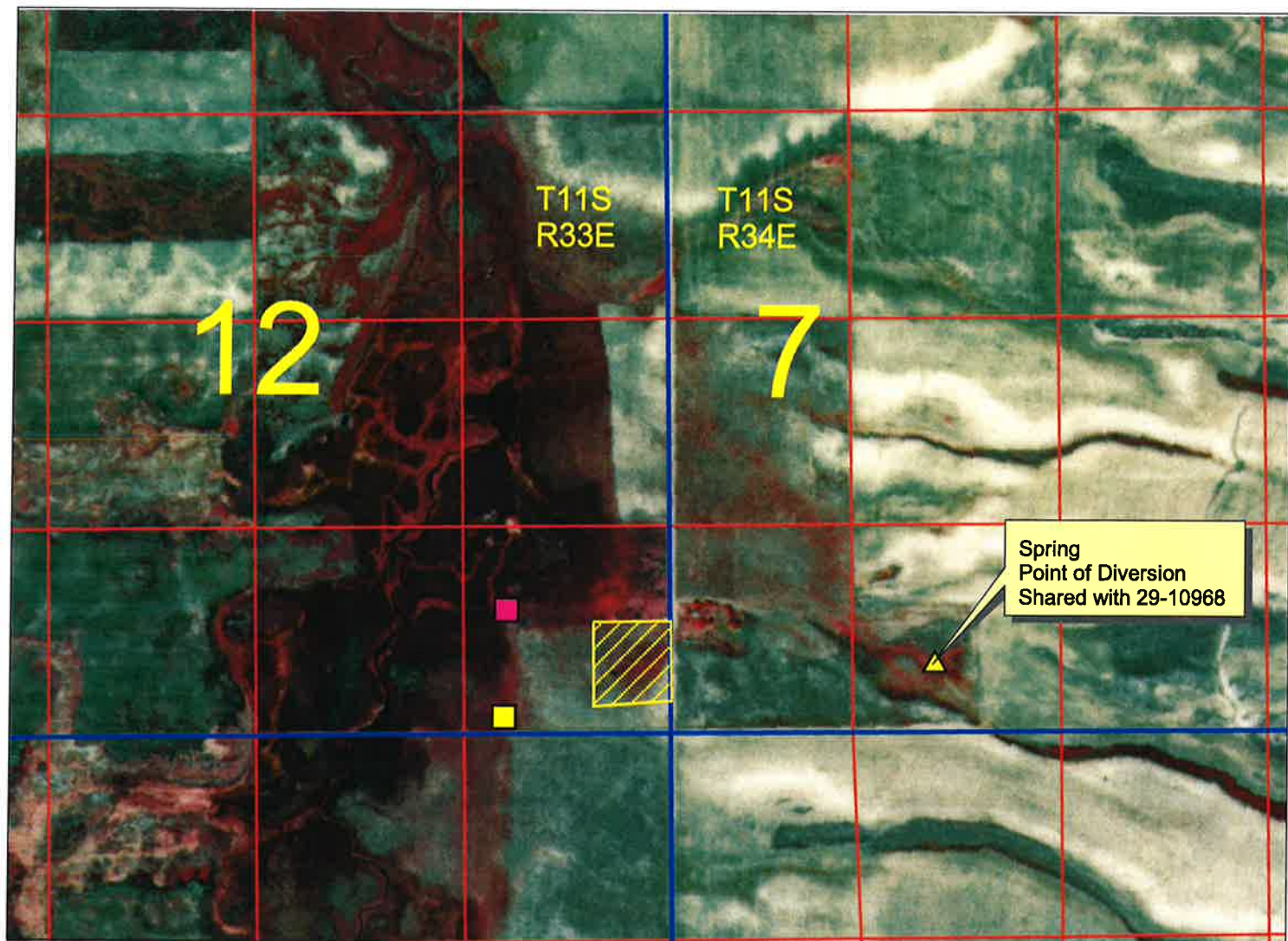
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Stockwater is for 200 cattle and horses.



State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-13530

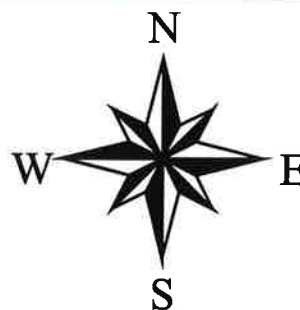


0 400 800 1200 1600 2000 2400 2800 3200 Feet



Irrigated Acres = 6

-  **Stockwater Location**
-  **Diversion.shp**
-  **Place of use.shp**
-  **Sections**
-  **QQ**



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: July, 2003

Memo

To: file 29-13530, Barry Williams

From: Roger Warner 

CC:

Date: 7/2/2003

Re: recommendation for SRBA

A site visit was made on 7/1/2003. It was found that the domestic portion of this claim to a water right was not legitimate since it was for a residence that was on the opposite side of the road and pertained to the brother of the claimant (Brad Williams 29-10968).

Irrigation occurs via a 2-inch plastic pipe, which was perforated approximately every 6 inches. The pipe is dragged around on the property and allowed to flood the ground surface. There appears to be sufficient gradient that an adequate supply of water would be able to flow. During my visit, one stock watering trough was being filled thus the irrigation water flow was less than normal. Also, the hay was being harvested so the pipeline had been dragged over upon grain ground temporarily. It was discussed with the claimant how and when this property began to be irrigated. The claimant indicates that his father, Donald T. Williams purchased it (circa 1974) from Baileys who originally homesteaded the area. The pipeline for spring water conveyance was already in place.

The claimant also indicated that the area was irrigated from a ditch prior to the pipeline but with the replacement with a pipeline that the ditch was subsequently filled in. This seems reasonable since there is more than adequate gradient and would not have required extraordinary effort to accomplish this diversion.

Stockwater was found to be about ¼ of a mile from the roadway and was near one of the ancestral channels of Bannock Creek. There was not water in the creek. There was also another hydrant location about ¼ of mile south of this one that is used for a portable trough when needed.

Although there was some reservation concerning the pipeline used for conveyance of the stock water it was learned that the claimants father was the previous owner and that stock was and still are allowed to water from troughs located both at the spring locations point of diversion and also about ½ mile away at the trough locations down slope. Currently, an agreement, by deed, allows a 50% division of the spring water between the two owners (who are brothers). One part has already been decreed.

The claimant indicates that he used the 1910 date for priority based upon a historical account made for "Bannock Valley." Claimant indicates that the author quoted the date of which the Bailey place was originally homesteaded.

I recommend that we recommend this right as claimed with the exception of the domestic portion.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10968

WATER RIGHT NUMBER: 29-10968

Owner Type Name and Address
 Current Owner BRAD W WILLIAMS
 C/O D T WILLIAMS
 1554 W BOWEN LN
 ARBON, ID 83212
 (208)335-2295

*this right is split
 50% with 29-13530*

Priority Date: 06/01/1910

Basis: Decreed

Status: Active

Source Tributary
 SPRING SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	
STOCKWATER	1/01 to 12/31	0.070 CFS	
<u>Total Diversion:</u>		0.090 CFS	

Location of Point(s) of Diversion

SPRING SE1/4SW1/4 Sec. 7, Twp 11S, Rge 34E, B.M.
 POWER County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	34E	7													X				

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	34E	7													X				

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10968

2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP D2725-02 STOCKWATER, 200 RANGE CATTLE

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 6/23/1998
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



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

May 29, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BARRY T WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

RE: Claim to a water right nos. 29-13528, 29-13529, and 29-13530

Dear Mr. Williams:

Thank you for submitting the above referenced claims to a water right in the Snake River Basin Adjudication (SRBA). In accordance to our telephone conversation and in order to prepare recommendations for the SRBA court, we require additional information and/or clarification. They are as follows:

29-13528

This claim to a water right requires to be separated into two (2) separate claims. The reason is that the locations of place of use claimed are not contiguous or not adjacent to one another. Approximately 5 miles separate them. For your convenience, I have prepared an amended claim form reflecting the changes for this right and the proposed new right. The new right will require a \$25 filing fee. Upon our receipt of the amended claim, new claim, and filing fee a new water right claim number will be assigned and the water right claims will be evaluated for recommendation.

29-13529

Here's what I feel you should do. I feel that we can recommend this claim as is for stockwater from the springs themselves for the 1900 priority date if we do not consider the pipeline and troughs for all six sections. This would result in a water right to stockwater directly from the springs themselves. Hence, the "point of diversion" and "place of use" will be the same location. For your convenience, I have included a copy of the preliminary recommendation for this part. Then, you should file a new claim for the improvements of water delivery by pipeline and troughs. This new claim will require evidence to prove when the system was installed and where the troughs are located. The priority date will be relevant to the date of the pipeline and trough installation.

The results then will be two water right recommendations; a recommendation for stockwater directly from the springs themselves and another for stockwater from the watering troughs with the "place of use" being the location of the troughs.

As a courtesy, I have included a new claim form describing the location of the springs but with the priority date left blank. This must also be signed and notarized and returned with an additional \$25 fee. The physical location of the troughs (Place of use) are shown to be located in sections 31 and 32. You will need to review this for accuracy. I have also included a copy of the USGS topo quad for the springs and potentially affected sections for you to mark the locations of the troughs.

29-13530

We require evidence of when the pipeline system was installed for irrigation and the livestock. By providing evidence for such, it is possible that the claimed priority date will be earlier than the evidence may demonstrate. However, if you wish to claim stockwater directly from the spring, as mentioned above for water right 29-13529 that may be possible. In regards to irrigation, we require information in regards to diversion structures used to divert water and the extent of acreage irrigated under that system. For example, if the spring water was diverted by ditch to the areas irrigated, we would like to know when that occurred and any evidence of when that occurred. If it was not diverted until the pipeline system was installed, we require that you provide evidence to when that occurred and to what extent acreage was irrigated.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,

W. Roger Warner
Adjudication Specialist

Enclosure(s) Amended Claim for a water right, 29-13528
New Claim to a water right 29- _____.
Preliminary Recommendation for a water right 29-13529.
New Claim to a water right 29- _____.
Copy of USGS Topo map for marking spring and trough locations.











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 29-13530
Date Received: 4/21/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

BARRY T WILLIAMS Phone: (208)335-2354

1277 MINK CREEK RD
ARBON ID USA 83212

VALORIE WILLIAMS Phone: (208) 335-2354

1227 MINK CREEK RD
ARBON ID USA 83212

2. Date of Priority: 07/01/1910

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	34E	7	SW SE SW	POWER	

5. Description of diverting works:

WATER IS PIPED 50 FT INTO A DITCH FOR 100 FT THEN INTO A 4 INCH PIPE FOR THE IRRIGATION WATER. THE STOCKWATER IS PIPED FOR 50 FT INTO A CONCRETE STANDPIPE AND THEN INTO A 1 1/2 INCH PIPE TO A TROUGH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.12	
STOCKWATER	01/01	12/31	0.05	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.17 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
11S	33E	12	NW	SE	DOMESTIC	
			SE	SE	IRRIGATION	6
			NW	SE	STOCKWATER	
					Section Acres	6
					Total Acres	6

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:

STOCKWATER, 200 CATTLE & HORSES

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): Barry J. Williams Date: 6-23-03
_____ Date: _____

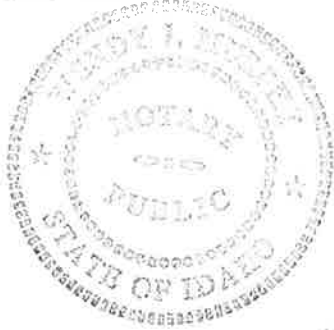
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd
of June 2003 Wendy J. Murphy

Notary Public

Residing at Idaho Falls

My commission Expires 6/23/06



Original Copy
Bailey Place

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 29-13530
Date Received: 4/21/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

BARRY T WILLIAMS Phone: (208)335-2354

1277 MINK CREEK RD
ARBON ID USA 83212

VALORIE WILLIAMS Phone: (208) 335-2354

1227 MINK CREEK RD
ARBON ID USA 83212

2. Date of Priority: 06/01/1910

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	34E	7	SW SE SW	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.12	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.17 C.F.S. and/or 124 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 200 HEAD OF CATTLE AND HORSES

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	33E	12	SE NW	SE SE	IRRIGATION STOCKWATER	6
Section Acres						6
Total Acres						6

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: THIS CLAIM IS A PORTION OF SPRINGS WHICH WAS DECREED TO WATER RIGHT 29-10968.

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): Barry T. Williams Date: 4-21-03

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st

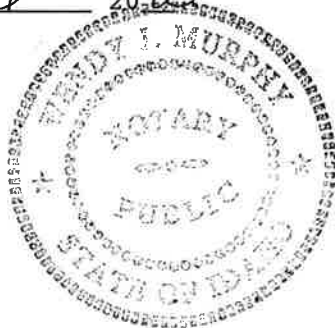
of April 20th

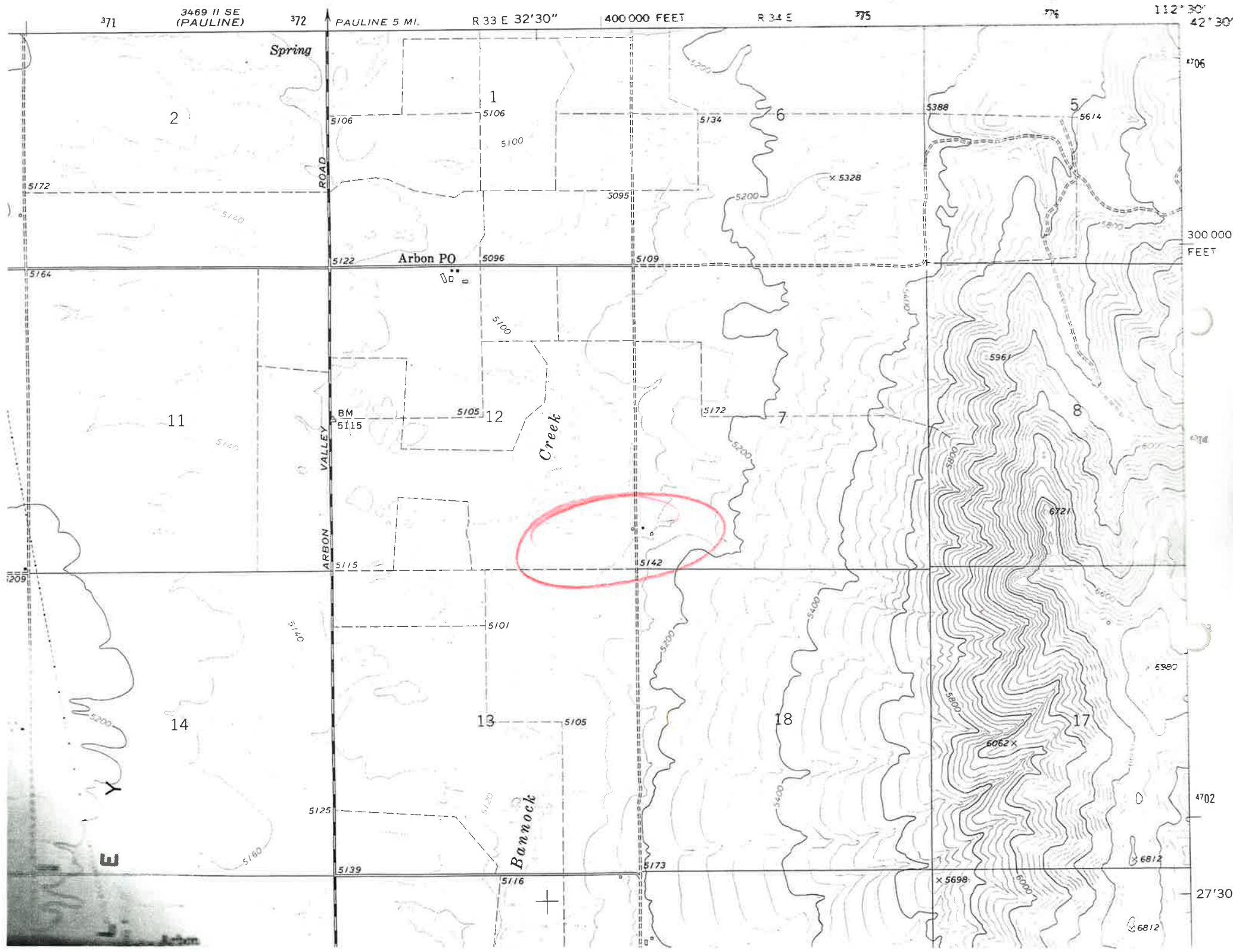
Wendy J. Murphy

Notary Public

Residing at Idaho Falls

My commission Expires 6/28/06





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 29-13530
Date Received: 4/21/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

BARRY T WILLIAMS Phone: (208)335-2354
1277 MINK CREEK RD
ARBON ID USA 83212

VALORIE WILLIAMS Phone: (208) 335-2354
1227 MINK CREEK RD
ARBON ID USA 83212

2. Date of Priority: 07/01/1910

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	34E	7	SW SE SW	POWER	

5. Description of diverting works:

WATER IS PIPED 50 FT INTO A DITCH FOR 100 FT THEN INTO A 4 INCH PIPE FOR THE IRRIGATION WATER. THE STOCKWATER IS PIPED FOR 50 FT INTO A CONCRETE STANDPIPE AND THEN INTO A 1 1/2 INCH PIPE TO A TROUGH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.12	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.17 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
11S	33E	12	SE NW	SE SE	IRRIGATION STOCKWATER	6
					Section Acres	6
					Total Acres	6

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:

STOCKWATER, 200 CATTLE & HORSES

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13530
Date Received: 4/21/2003
Receipt No: E028739
Received By: qc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BARRY T WILLIAMS Phone: (208)335-2354

1277 MINK CREEK RD
ARBON ID USA 83212

VALORIE WILLIAMS Phone: (208) 335-2354

1227 MINK CREEK RD
ARBON ID USA 83212

2. Date of Priority: 07/01/1910

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.12	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.17 C.F.S. and/or 124 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 200 HEAD OF CATTLE AND HORSES

10. Place of use:

→ move to remarks

A2913530



Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	33E	12	SE NW	SE SE	IRRIGATION STOCKWATER	6
Section Acres						6
Total Acres						6

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: THIS CLAIM IS A PORTION OF SPRINGS WHICH WAS DECREED TO WATER RIGHT 29-10968.

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): Benny T. Williams Date: 4-21-03

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st
of April 2003



Wendy J. Murphy
Notary Public

Residing at Idaho Falls
My commission Expires 6/23/06

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
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CIVIL CASE NUMBER: 39576

Ident. Number 29-13530Date Received 4/21/2003

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Barry T. Williams Phone (208) 335-2354Mailing Address 1277 Mink Creek Rd. Zip 832122. Date of Priority (Only one (1) per claim) July 1, 19003. Source of water supply (a) Spring
which is tributary to (b) Sinks4. a. Location of existing point of diversion is: Township 11S Range 34E Section 7,
SW 1/4 of SF 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of PowerAdditional points of diversion if any: This water springs up in 2 places
75 feet apart.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Water is piped 50 feet
into a ditch for 100 feet then into a 4" pipe for
the irrigation water.The Stockwater is piped for 50 feet into a concrete
standpipe and then into a 1 1/2 inch pipe to a
trough.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan. 1 to Dec. 31 amount .12 or _____

For Stock water purposes from Jan. 1 to Dec. 31 amount .05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .17 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 124 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 hd of cattle and horses

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	33E	12																6	6
11S	33E	12														S			

Total number of acres irrigated 6

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Also have a stockwater right on Bannock Creek or None ()

14. Remarks:
This water right consists of 1/2 of the water produced by the before described Springs.

Last Name Williams Ident No. _____

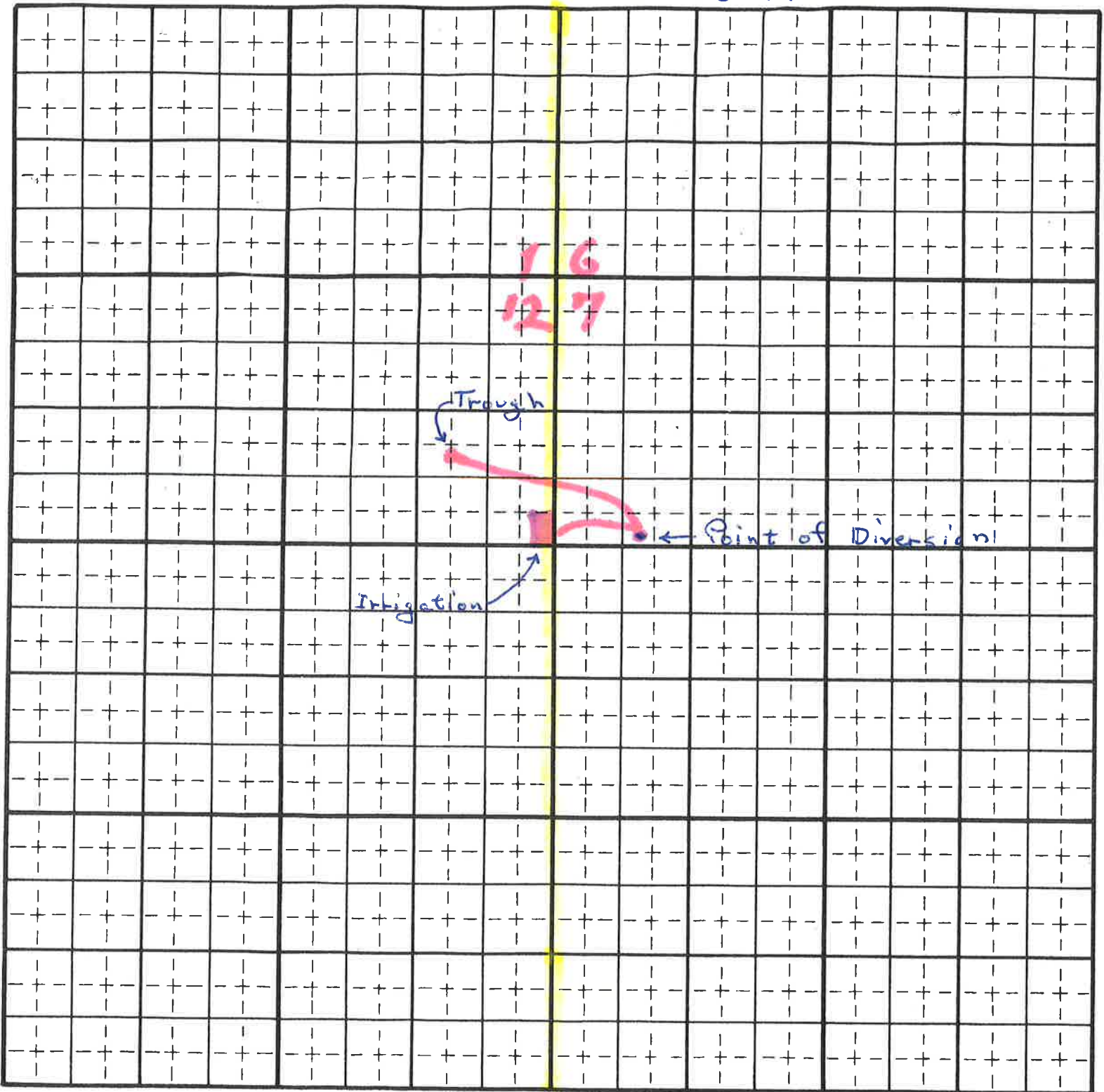
Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 11 S R 33 E

T 11 S R 34 E



Last Name Williams

Ident No. _____

Copies: White-State, Yellow-Claimant