

04/24/2003

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

RIGHT NUMBER: 29-13533

NAME AND ADDRESS: MAX D SHAFFER
PO BOX 195
INKOM ID 83245

SOURCE: JACKSON CREEK

TRIBUTARY: RAPID CREEK

QUANTITY: 0.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-00294E IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.15 CFS.

PRIORITY DATE: 04/02/1947

POINT OF DIVERSION:

T07S R36E S22 SWSENE Within BANNOCK County Source: JACKSON CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.100 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 NESE 5.0

5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00294E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5.0 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.

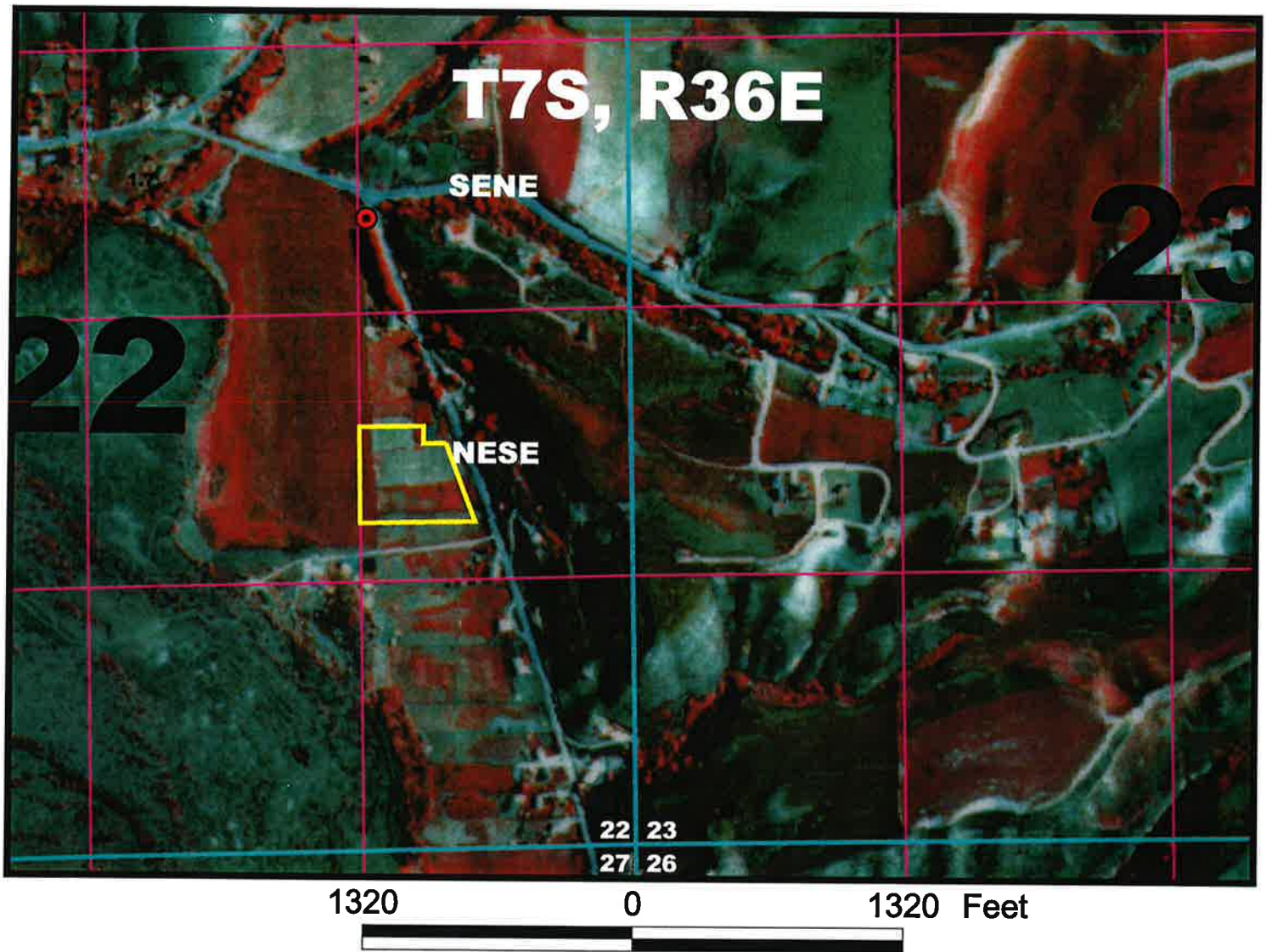
EXPLANATORY MATERIAL: Beneficial Use



STATE OF IDAHO

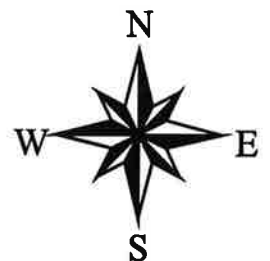
Department of Water Resources
Eastern Region

Water Right(s): 29-13533



Total Irrigated Acres: 5.0

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: April 2003

MEMORANDUM

-----Original Message-----

From: Carlsen, Ernie
Sent: Tuesday, December 12, 2000 8:21 AM
To: Tuthill, Dave; McHugh, Candice; Saxton, Glen
Cc: Jones, Doug; Shurte, Jan; Fritschle, Carter
Subject: **Benign Changes?**

During last weeks discussion on transfers there was a reference to "benign changes" being applied to post '87 approved transfers. Is there such an action and if there is what qualifies? Is a difference in acreage within the individual 1/41/4s of a POU, based on GIS mapping, but with no increase in total acreage an example of a benign change? This situation is especially common with center pivots. Though the frequency of this situation will drop dramatically now that allocations is on line with GIS, in Eastern we have dozens of approved transfers with land lists developed using the accepted methods prior to GIS or with tenths of an acre for acreages over ten acres in a 1/41/4. In my judgement this is not a situation where an amended transfer is appropriate. So in the adjudication recommendation can acres be adjusted within the approved 1/41/4s without requiring a new transfer?

From my point of view, I would like the adjudication people to be able to make these kinds of changes in their recommendations of rights. It does not make sense to me to require a transfer for the type of change you have described.

Lgs **From:** Saxton, Glen

It seems that if the transfer already has acres w/in the 1/4 1/4 that increasing the acres w/in that 1/4 1/4 is probably OK when the total acres do not change. The problem w/ notice occurs when we want to move into a 1/4 1/4 that wasn't included with the original notice. However, the concern I have is whether consumptive use could be increased (decreased run-off etc) by adding more acres within a certain 1/4 1/4 and removing acres from another one. Although this is probably very rare and would depend greatly on the lay of the land, I think we have a duty to consider that in order to do a thorough injury analysis. Maybe this is such a rare possibility however that we are willing to risk forgoing the greater analysis and address concerns if and when they arise.

Candice

I understand Candice's concern, and it is true that this is a possibility. However, we are finding that almost always, neighboring landowners are parties in the SRBA. As such, they receive notice of our modifications via the SRBA -- available in tabular format at the Courthouse and now in spatial format via the Internet. Thus, I agree with Glen that this is the type of benign change that we were discussing last week -- for which no transfer should be required. I am copying this to Norm to see if he concurs.

Dave

All: I agree that moving acres within already listed quarter/quarters is a benign change and does not require a 42-211 amendment or a 42-222 transfer. Need to be careful, though, that the ownership of the land is not an issue as we do so.

Norm

4-24-03: See Notes in 29-000294E For FE Info and
Notes.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2003

MAX D SHAFFER
PO BOX 195
INKOM ID 83245

RE: Notice of Change in Water Right ownership for Snake River Basin Adjudication (SRBA) claim 29-00294E and new Jackson Creek Claim 29-13533.

Dear Mr. Shaffer,

I have received the Notice of Change in Water Right ownership form and the signed claim with the filing fee for use of Jackson Creek water.

I reviewed your information packet and everything looks good. I am sending you the following:

- Copy of the revised recommendation for 29-00294E
- Copy of Jackson Creek claim 29-13533
- Copy of Jackson Creek recommendation 29-13533
- Receipt for claim 29-13533

Note that the priority date recommended for 29-13533 was recommended based on evidence provided of when Jackson Creek was first used on the property. This is the same priority date recommended to all of the Jackson Creek water users in Murdock Subdivision.

If everything looks satisfactory, no further action needs to be taken. The SRBA court will notify you at the time the directors report is issued.

Feel free to contact me if you have further questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

RECEIVE

JUN 28 2002

WATER RESOURC
WESTERN REGIO

I Norris M. Murdock purchased in the fall of 1947, this 80 acres, which is a tract of land in Section 22 township 7 South Range 36 East Boise Meridian which is currently the Murdock Subdivision. I purchased this property from Roy Cardon, who at the time was using water from Rapid Creek and tributaries, which has an old Indian Decree water right. We would divert Jackson Creek, which runs through the place to Rapid Creek until such creek would become low of water. Then we would divert water from Rapid Creek. This has been happening before I purchased the property to the present time, June 26, 2002. As far as I know, this water has been used this way since the Indian water rights was put in place.

I declare this statement to be true.

Norris M. Murdock
NORRIS M. MURDOCK

STATE OF IDAHO
County of Bannock

On the 26th day of June, in the year 2002, before me, a Notary Public in and for said State personally appeared Norris M. Murdock known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me the he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Charmain Murdock
Notary Public

My commission expires 9-15-03

Residing at Idaho, Id 83245

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13533 V1

WATER RIGHT NUMBER: 29-13533 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAX D SHAFFER PO BOX 195 INKOM, ID 83245 (208) 775-3630

Priority Date: 04/02/1947
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
JACKSON CREEK	RAPID CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

JACKSON CREEK	SW1/4SE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	36E	22													5.0				5.0

Total Acres: 5

Conditions of Approval:

1. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-00294E IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.15 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-00294E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5.0 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13533 V1

Comments:

1. csaxton 4/24/2003 Notes

Comment: See file 29-00294E for notes and field exam info.

2. csaxton 4/24/2003 Priority

Comment: Priority date recommended is one day after Norris M. Murdocks as it is the understanding that he has the senior right from Jackson Creek over the Murdock Subdivision Jackson Creek users.

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:
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>
Contacts	4/24/2003 10:35:53 AM	csaxton			Active
Priority Date	4/24/2003 10:58:36 AM	csaxton			Active
POD	4/24/2003 11:00:52 AM	csaxton			Active
Source	4/24/2003 11:01:35 AM	csaxton			Active
POU	4/24/2003 11:02:06 AM	csaxton			Active
Use	4/24/2003 11:03:46 AM	csaxton			Active
Season	4/24/2003 11:11:23 AM	csaxton			Active
Quantity	4/24/2003 11:12:32 AM	csaxton			Active
Summary			04/24/2003	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	4/24/2003 11:01:35 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FE 5/31/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13533 V1

POU	4/24/2003 11:02:06 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FE 5/31/02 and NAPP photography
Use	4/24/2003 11:03:46 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FE 5/31/02
Season	4/24/2003 11:11:23 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?
Quantity	4/24/2003 11:12:31 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for 0.20 cfs or less do not require measurement.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13533 V1

Summary	4/24/2003 11:15:13 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 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?
Contacts	4/24/2003 10:35:53 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 5/31/02
Priority Date	4/24/2003 10:58:36 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Norris M. Murdock
POD	4/24/2003 10:59:13 AM	csaxton	Edited point location
POD	4/24/2003 11:00:52 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	4/24/2003 11:02:32 AM	csaxton	Edited shape boundary

RECEIVED

FEB 18 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

WATER RESOURCES
WESTERN REGION

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

Date Received:

Receipt No:

Received By:

29-13533

4/27/03

W030377

CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NAME: MAX D. Shaffer

Phone: 208-725-3630

ADDRESS: Box 195

INKom, Id. 83245

NAME: _____

Phone: _____

ADDRESS: _____

2. Date of Priority: 06/01/1885

3. Source: JACKSON CREEK Trib. to: RAPID CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	22	SW SE NE	BANNOCK	

5. Description of diverting works:

DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
4/01 11/01 0.1

(or) A.F.A

7. Total Quantity Appropriated is:
0.1 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
07S	36E	22	NE	SE	IRRIGATION	5
Section Acres						5
Total Acres						5

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:

29-00294E

14. Remarks:

15. Basis of Claim: BENEFICIAL

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 X 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): Max P. Staff Date: 2-13-03
_____ Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 13th
of February 2003 Tom McBride

Notary Public

Residing at Lava Hot Springs

My commission Expires 8/21/08



Idaho Department of Water Resources Receipt

Receipt ID W030377

Payment Amount \$50.00 Date Received 4/24/2003 9:53:32 AM Region Western Status 
Payment Type Check Check Number 0967

Payer SHAFFER, MAX

Comment New SRBA claim 29-13533 for Jackson Creek. Acreage paid for under claim 29-00294E.

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	42503	1155	


Signature Line (Dept. Representative)