

12/19/2002

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

RIGHT NUMBER: 29-13384

NAME AND ADDRESS: BEN CHAVERS
2023 N INKOM RD
INKOM ID 83245

E LOUISE CHAVERS
2023 N INKOM RD
INKOM ID 83245

SOURCE: JACKSON CREEK

TRIBUTARY: RAPID CREEK

QUANTITY: 0.040 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-00294F IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.04 CFS.

USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED BELOW IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.05 CFS. COMBINED RIGHT
NOS.: 29-00294F, 29-07109, 29-13384.

PRIORITY DATE: 04/02/1947

POINT OF DIVERSION:

T07S R36E S22 SWSENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 SESE 1.3

1.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00294F IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.3 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00294F, 29-13384,
29-07109.

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.

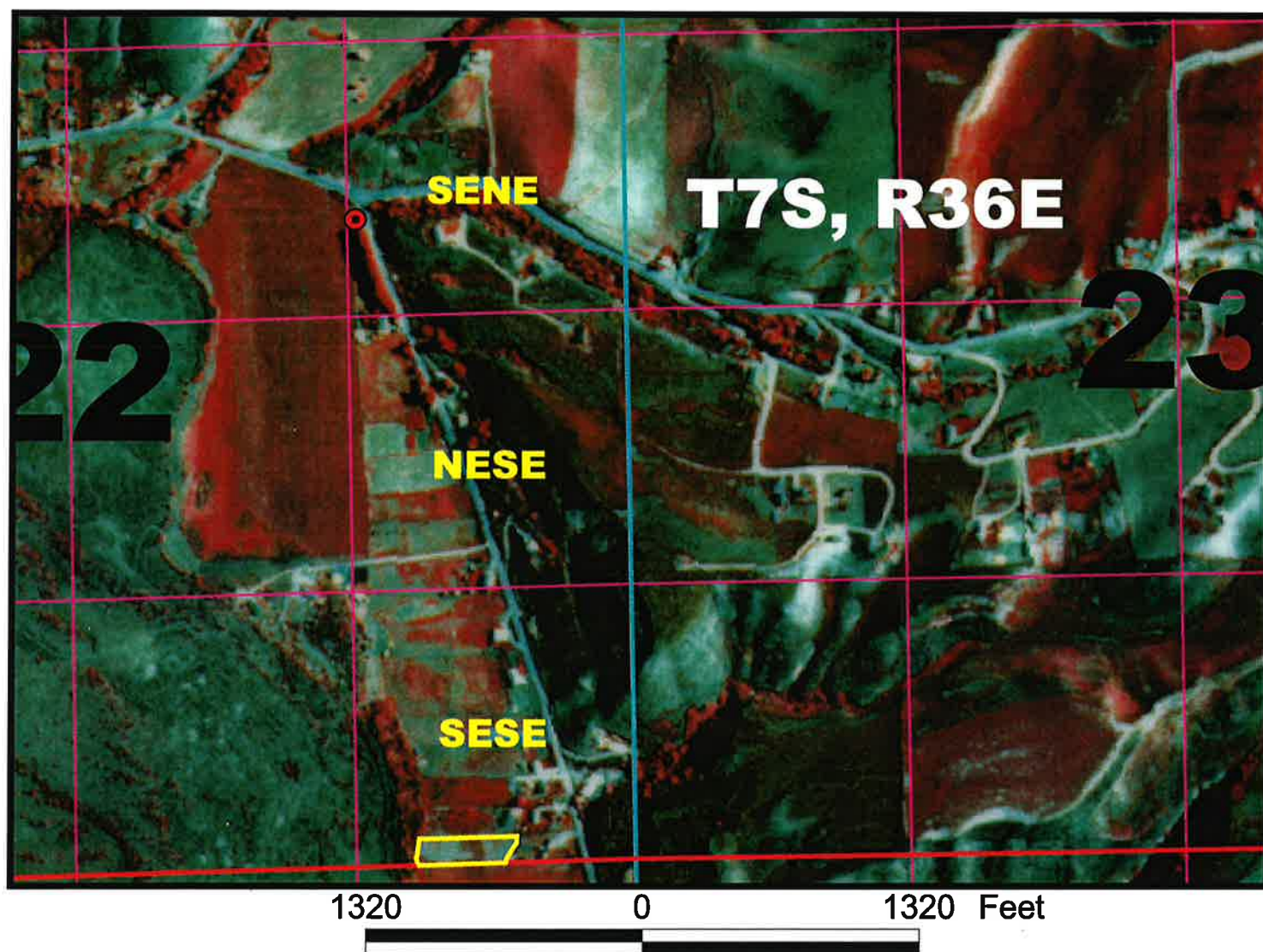
EXPLANATORY MATERIAL: Beneficial Use



STATE OF IDAHO

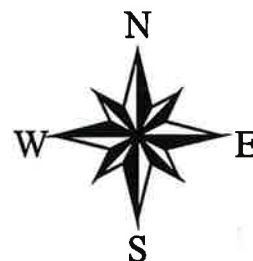
Department of Water Resources
Eastern Region

Water Right(s): 29-13384



Total Irrigated Acres: 1.3

-  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: December 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13384 V1

WATER RIGHT NUMBER: 29-13384 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEN CHAVERS 2023 N INKOM RD INKOM, ID 83245 (208)775-4982
Current Owner	E LOUISE CHAVERS 2023 N INKOM RD INKOM, ID 83245 (208)775-4982

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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 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				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	22																1.3	1.3

Total Acres: 1.3

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. 29-00294F IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS.
2. Quantity USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.05 CFS. COMBINED RIGHT NOS.: 29-00294F, 29-07109, 29-13384.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13384 V1

3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-00294F IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.3 ACRES IN A SINGLE IRRIGATION SEASON.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00294F, 29-13384, 29-07109.

Comments: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: OR
 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	12/19/2002 9:05:57 AM	csaxton			Active
Priority Date	12/19/2002 9:06:20 AM	csaxton			Active
POD	12/19/2002 9:06:43 AM	csaxton			Active
Source	12/19/2002 9:10:38 AM	csaxton			Active
POU	12/19/2002 9:11:14 AM	csaxton			Active
Use	12/19/2002 9:13:17 AM	csaxton			Active
Season	12/19/2002 9:14:00 AM	csaxton			Active
Quantity	12/19/2002 9:15:54 AM	csaxton			Active
Summary			12/19/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/19/2002 9:05:58 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Field Exam 7/16/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13384 V1

Priority Date	12/19/2002 9:06:21 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 - Statement from original owner of Murdock Subdivision, Norris M. Murdock.
POD	12/19/2002 9:06:43 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?
POD	12/19/2002 9:07:09 AM	csaxton	Edited point location
POD	12/19/2002 9:07:24 AM	csaxton	Edited PLS
POU	12/19/2002 9:12:35 AM	csaxton	Edited PLS
Source	12/19/2002 9:10:38 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 - Field Exam 7/16/02
POU	12/19/2002 9:11:14 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 - Field Exam 7/16/02 and NAPP photography.
POU	12/19/2002 9:11:26 AM	csaxton	Edited shape boundary
POU	12/19/2002 9:11:40 AM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13384 V1

Use	12/19/2002 9:13:18 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 7/16/02
Season	12/19/2002 9:14:00 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	12/19/2002 9:15:54 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 - Claims for 0.20 cfs or less do not require measurement.
Summary	12/19/2002 9:18:44 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? (Yes) 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?

12-16-02: Priority date: 2-2-1947. Norris M Muddock
Has senior right from Jackson Creek over Muddock
Sub.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13384

WATER RIGHT NUMBER: 29-13384

Owner Type Name and Address
 Current Owner BEN CHAVERS ✓
 2023 N INKOM RD
 INKOM, ID 83245
 (208)775-4982
 Current Owner E LOUISE CHAVERS ✓
 2023 N INKOM RD
 INKOM, ID 83245
 (208)775-4982

Priority Date: ~~06/01/1885~~ 4/2/1947

Basis: Beneficial Use ✓

Status: Active ✓

Source Tributary
 JACKSON CREEK ✓ RAPID CREEK - 1.5"/acre

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION - 04/01 to 11/01 0.060 CFS
 10/31 0.04
 Total Diversion: 0.060 CFS
 0.04 2/1A

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	Totals
07S	36E	22	NE	NW	SW	SE	3.0
			1.3				1.3

Conditions of Approval:This and 29-00294F limited to 1.3 ac
0.04 cfsRemarks:This and 29-07109 + 29-294E limited to 0.05 cfs
2 acComments:Dates and Other Information:

Claim Received Date: 7/29/2002
 Owner Name Connector: OR
 Mitigation Plan: False

Overlap analysis

Findings of Fact:

29-00294F and 29-13348 both for the same 1.3 acres (surface water).

29-07109 for 2 acres, the same 1.3 acres covered by surface water rights, and 0.7 with groundwater only.

29-07109 licensed at 1 inch per acre.

Analysis Results:

Three rights: 1.3 acres at 1.5 inches per acre = 0.039

One right: 0.7 acres at 1 inch per acre = 0.014

Total allowed overlap = 0.053 or 0.05 cfs



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

July 3, 2002

BEN CHAVERS
E LOUISE CHAVERS
2023 N INKOM RD
INKOM ID 83245

RE: Amendment of Snake River Basin Adjudication (SRBA) claim 29-00294F and new Jackson Creek claim.

Dear Ben and Louise,

As Ben and I spoke about on the phone on July 3, 2002, enclosed is a Jackson Creek claim. Look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with the \$50 filing fee. As we spoke about on the phone, it is your decision whether to file the claim or not. Keep in mind that I need to come to the claimed property and verify that the ditch water can make it to your property in order to recommend either the Jackson Creek claim or the Rapid Creek claim. I plan to be in the field during the 16th, 17th, and 18th of July.

I am also enclosing an amended Rapid Creek claim. I found that the claimed point of diversion was listed in the wrong legal description. I made that change on the amended claim. Please look over the amended claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office. There is no filing fee for the amendment.

In addition, I need a copy of your deed trail showing conveyance of the property from Jeff Webster to yourself. This is for two reasons (I forgot to mention one on the phone). One to confirm that 29-07109 was licensed for your parcel. Two incase the deeds say anything about how much Rapid creek water is applicable to your property when the property was subdivided.

Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

RECEIVED
JUL 25 2002
WATER RESOURCES
WESTERN REGION

July 15, 2002

Craig L. Saxton
Department of Water Resources
2735 Airport Way
Boise, Id. 83705-5082

Dear Craig:

I am mailing under separate cover the \$50.00 fee for the amended claim (#29-00294F and new Jackson Creek claim and the property deed information you requested.

You mentioned that you would be in my area on July 16 - 17 to verify that the ditch water can make it to my property. I will not be home, but the head gate will be easy for you to find. It's just beyond the backyard "green grass" portion of my lawn and located inside the ditch on the North side of the property. The ditch water comes across my neighbor's (Arnold Davis) lawn and is diverted to my place from there. If you have any problems locating, try Arnold's house or my cell phone @ 208-241-8093.

Hope this helps in resolving this long belabored issue.

Sincerely,



Ben Chavers

29-00294 F, 29-13384
FE: 7-16-02

C. Saxton



looking S. Picture is supposed to show ditch that
could convey water to S side of Claimant's
Property but it didn't come out too well.
But the ditch is there

09-00094 F, 09-13384
 FE: 3-16-00

C. Foxton



Looking N. Culvert that delivers water from ditch to cleared POU.



Looking West @ Cleared POU

RECEIVED

JUN 28 2002

WATER RESOURCE
WESTERN REGION

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 that 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

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 29-13384
Date Received: 7/25/02
Receipt No: W029513
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 25 2002
WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

BEN CHAVERS Phone: (208) 775-4982

2023 N INKOM RD
INKOM ID USA 83245

E LOUISE CHAVERS Phone: (208) 775-4982

2023 N INKOM RD
INKOM ID USA 83245

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:

HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.06	

7. Total Quantity Appropriated is:
0.06 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	SE	SE	IRRIGATION	3

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:

14. Remarks:

15. Basis of Claim: BENEFICIAL

16. Signature(s) *Ben Chavers E. Louise Chavers*

(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): Ben Chavers Date: 7-22-02
L. Louise Chavers Date: 7-22-02

State of Idaho)
County of Lannock) SS.

Subscribed and sworn (or affirmed) before me this 22nd
of July 2002 Mary Lou Driever

Notary Public

Residing at Pocatello

My commission Expires Oct. 31, 2004



Idaho Department of Water Resources Receipt

Receipt ID W029513

Payment Amount \$50.00 Date Received 7/29/2002 9:18:21 AM Region Western Status ☐
Payment Type Check Check Number 1711

Payer CHAVERS, BEN OR LOUISE

Comment NEW SRBA CLAIM FOR JACKSON CREEK WATER 29-13384

Fee Detail

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


Signature Line (Dept. Representative)