

02/23/2005

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

RIGHT NUMBER: 37-1160

NAME AND ADDRESS: JUSTICE DITCH CO
C/O TWILA BENDORF
RT 1 BOX 360
HAGERMAN ID 83332

SOURCE: MALAD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.000 CFS

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

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 05/31/1900

POINT OF DIVERSION:

T06S R14E S30 SESW Within GOODING 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	03/15 11/15	4.000 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S35	SENE	29.0	T06S R13E S35	NESE	40.0
T06S R13E S35	SESE	40.0	T06S R13E S36	SWSW	17.0
T07S R13E S01 Lot 2	SWNE	33.0	T07S R13E S01 Lot 1	SENE	33.0

STOCKWATER same as IRRIGATION

192 ACRES TOTAL

Right nos. 37-1160 and 37-1175 are limited to the irrigation of a combined total of 192 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: Decreed

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

Fritschle, Carter

From: Mary Lucachick [mlucachi@IDPR.state.id.us]
Sent: Wednesday, January 11, 2006 11:15 AM
To: Fritschle, Carter
Cc: Barber, David
Subject: RE: Malad Gorge State Park



Justice Ditch.pdf

Hi Carter:

Thanks for the quick reply. I am attaching the map showing irrigation at the Malad Gorge State Park day use area using Justice Ditch water. Let me know if you have a problem opening it. I doubt Frank Erwin would have a problem with including Malad Gorge as a place of use since he delivers our water, and he cashes the checks we send for the Justice Ditch Water Assessment. We paid them for 178 shares at \$12/share for a total of \$2136.00 in 2005.

Thanks. Let's stay in touch until this is resolved.

Mary Lucachick, Water Resource Staff Specialist
Comprehensive Planning, Research & Review
Idaho Department of Parks and Recreation
Boise, ID 83720-0065
208-334-4180 X 307
fax: 208-334-3741
mlucachi@idpr.state.id.us <mailto:mlucachi@idpr.state.id.us>

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

From: Fritschle, Carter [mailto:Carter.Fritschle@idwr.idaho.gov]
Sent: Wednesday, January 11, 2006 10:55 AM
To: Mary Lucachick
Subject: Malad Gorge State Park

Mary,

The map of the irrigated areas in the park will be useful for settlement purposes. Other Justice Ditch users may also disagree with the place of use shown on my map since they did not get a chance to review the preliminary recommendations and make corrections at that time.

I have forwarded all of the mailings to the Justice Ditch that were returned by the USPS to Frank Erwin so that he can show them to the water users that live in the area of the ditch.

Carter

5.05 Acres Irrigation



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: A37-01160
Date Received: 6/07/1988
Receipt No: S000349
Received By: Sc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUSTICE DITCH COMPANY
Address: C/O TWILA BENDORF
RT.1 BOX 360
HAGERMAN, ID 83332

2. Date of Priority: MAY 31, 1900

3. Source: MALAD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	14E	30	NE	NE	SE		GOODING

5. Description of diverting works:
STEEL HEADGATE 76" X 52"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 1053.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC AND STOCKWATER.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	13E	35	NE		NE		IRR	19.0
			SW		NE		IRR	8.2
			SE		NE		IRR	26.7
			SE		NW		IRR	8.0
			NE		SW		IRR	3.0
			NE		SE		IRR	37.3
			NW		SE		IRR	34.1
			SW		SE		IRR	20.0
		SE		SE		IRR	37.9	
						Section Acres	194.2	
		36	NW		NE		IRR	20.9
			NE		NW		IRR	19.2
			NW		NW		IRR	39.6
			SW		SW		IRR	11.3
					Section Acres	91.0		
07S	13E	1			1	IRR	31.3	
					2	IRR	34.7	
						Section Acres	66.0	
					Total Acres	351.2		

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-1175, 37-4091, 37-1160A & B.

14. Remarks:
SPLIT INTO 37-1160A & 37-1160B BY TRANS. 715.
FILED IN ADJUDICATION UNDER ORIGINAL NUMBER.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date: 12/13/1920

JUSTICE

Decree Plaintiff

vs

CHAPMAN

Decree Defendant

A37-01160

Page

2

Date: 06/07/88

MICROFILMED

FEB 23 1993

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: 5

For Organizations:

I do solemnly swear or affirm that I am Vice President of Justice Ditch Co., that I have signed the foregoing document in the space below as Vice President of Justice Ditch Co. and that the statements contained in the foregoing document are true and correct.

Tom Anderson
Signature of Authorized Agent
V. Pres - Justice Ditch Co.
Title and Organization
6-7-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id
My Commission Expires 10/16/1992

JUSTICE DITCH ATTACHMENT

ANDERSON, T.E.	7S	13E	SEC. 1	LOT 1	31.33
				LOT 2	6.67
BENDORF, R.K.	6S	13E	SEC. 35	SESE	37.9
			SEC. 36	SWSW	11.3
MARSH, FLOYD	6S	13E	SEC. 35	NESE	37.3
				SENE	26.7
WOODY, L.H.	7S	13E	SEC. 1	LOT 2	28.07

MICROFILMED

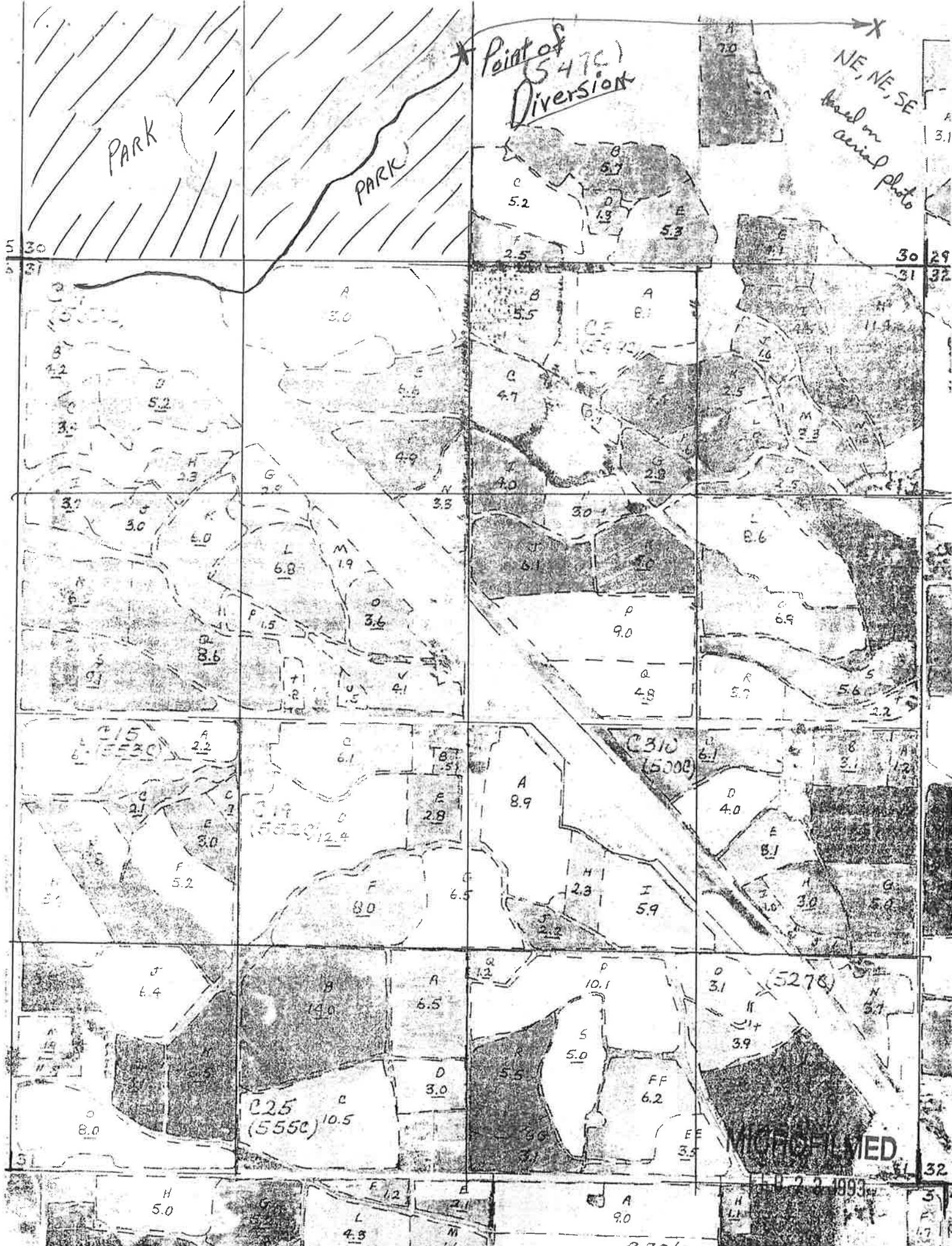
FEB 23 1993

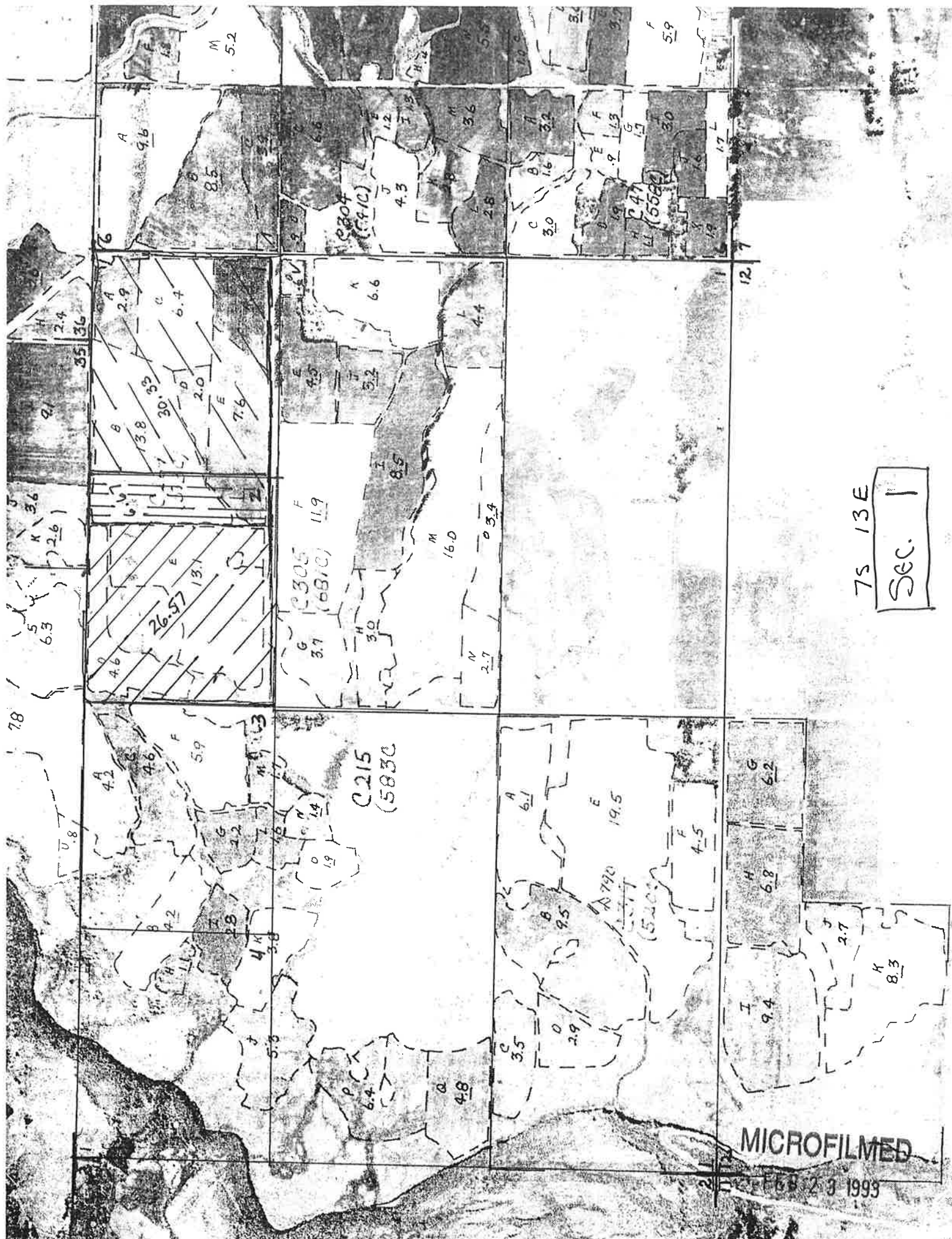
MALAD STATE PARK ACRES

6S 13E	SEC.35	SWSE	20.0
		NWSE	34.1
		NESW	3.0
		SENE	8.0
		SWNE	8.2
		NENE	19.0
	SEC. 36	NWNW	39.6
		NENW	19.2
		NWNE	20.9

TOTAL 172.0

MICROFILMED
FEB 23 1993





7S 13E
Sec. 1

MICROFILMED
2000 FEB 23 1993

