

05/02/2005

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

RIGHT NUMBER: 37-4308

NAME AND ADDRESS: JEAN PALACIO
799 W 720 N
SHOSHONE ID 83352

TONY PALACIO
799 W 720 N
SHOSHONE ID 83352

SOURCE: WASTE WATER

TRIBUTARY: THORN CREEK

QUANTITY: 0.900 CFS

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION:

T04S R16E S33 NENE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.900 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T04S R16E S33	NENE	21.0	T04S R16E S33	SENE	13.0
T04S R16E S34	NWNW	11.0			

45 ACRES TOTAL

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

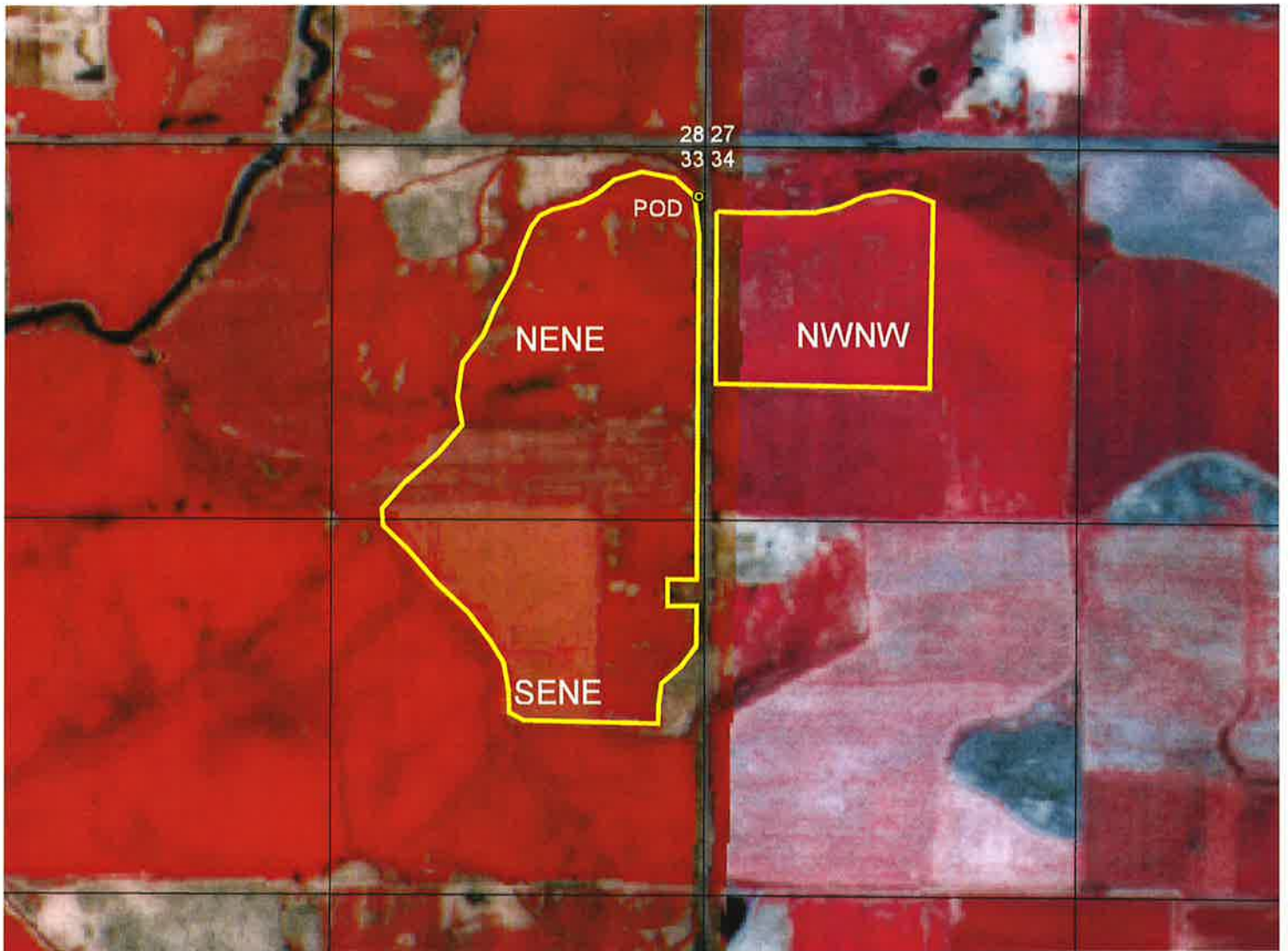
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

The source of this right is waste water originally diverted by the American Falls Reservoir Dist. No. 2.

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

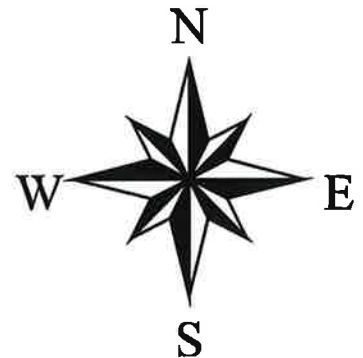
37-4308



700 0 700 1400 2100 Feet

T04S R16E S33

Map prepared by: Carter Fritschle
Date prepared: 01/22/03 - Revised 12/03/04
1987-1988 NAPP photography
Idaho Department of Water Resources



12/10/2004

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IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.900 CFS

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T04S R16E S33 NENE 21.0
T04S R16E S34 NWNW 11.0

T04S R16E S33 SENE 13.0

45 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.

EXPLANATORY MATERIAL: Beneficial Use

The source of this right is waste water originally diverted by the Big Wood Canal Co.

Use of this right is combined with water from Big Wood Canal Co.

Contacts Data Entry Form

Claim Number 37-4308

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JEAN PALACIO	799 W 720 N	SHOSHONE	ID	83352	(208)886-7552
Current Owner	TONY PALACIO	799 W 720 N	SHOSHONE	ID	83352	(208)886-7552

Date of Field Exam: 9-28-04 Time: 9:30 AAccompanied By: Tony Phone Number: 886-7552Relationship to Claimant: owner

Directions to Property (if different from above) and/or update owner information:

Tony & I drove to corner where POD
and observed land and as per Tony
land indicated in yellow on color photo
looks ok
Shoshone - 6 mi N - 8 mi West - 1 mi North



Lee R. Peterson
234 S View Rd
Jerome, ID 83338-6448

Date: 9-28-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4308

Claimed Point of Diversion and Source

T04S R16E S33 NENENE Within LINCOLN County Source: WASTE WATER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T04S R16E S33 NENE Within LINCOLN County

Recommended Point of Diversion and Source

Source Information

Source

Waste from Neighbors

Tributary To

BWCC - Milner Gooling

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>45</u>	<u>16E</u>	<u>33-34</u>			<u>Lincoln</u>	<u>Neighbors</u>

Other rights from this POD? NONE

Document how the POD and Source were verified:

Tony & I drove right to POD location
as marked on Photo - see GPS

Tony #1 2454784 1315591 ^{plate} A0013800 ^{photo} 1030 331

Reviewer:

Date: 9-28-04

Place Of Use Data Entry Form

Claim Number 37-4308

Claimed Place Of Use

T04S R16E S33	NENE	20.0	T04S R16E S33	SENE	14.0
T04S R16E S34	NWNW	11.0			

Total Acres 45

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T04S R16E S33	NENE	20.0	T04S R16E S33	SENE	14.0
T04S R16E S34	NWNW	11.0			

Total Acres 45

OK as per Tony

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
45	16 E	33-34			Lincoln		45	Irrigation

Total Acres _____

Document how the POU was verified:

Very easy where we were standing both
lands were clear and visible - Tony said
color photo is OK

Reviewer: _____



Date: _____

7-28-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4308

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	1.6	

Overall Diversion Rate 1.6

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	1.6	

Overall Diversion Rate 1.6

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	WHENEVER AVAILABLE			VARIABLE

Overall Diversion Rate

Overall Diversion Volume

NO MEASUREMENT
DEVICE

Document how the Period of Use and/or Diversion Rate were verified:

Waste water here is very unavailable - with new irrigation methods it is unpredictable they use it when and how much just when it shows up - The past few years it has been very little

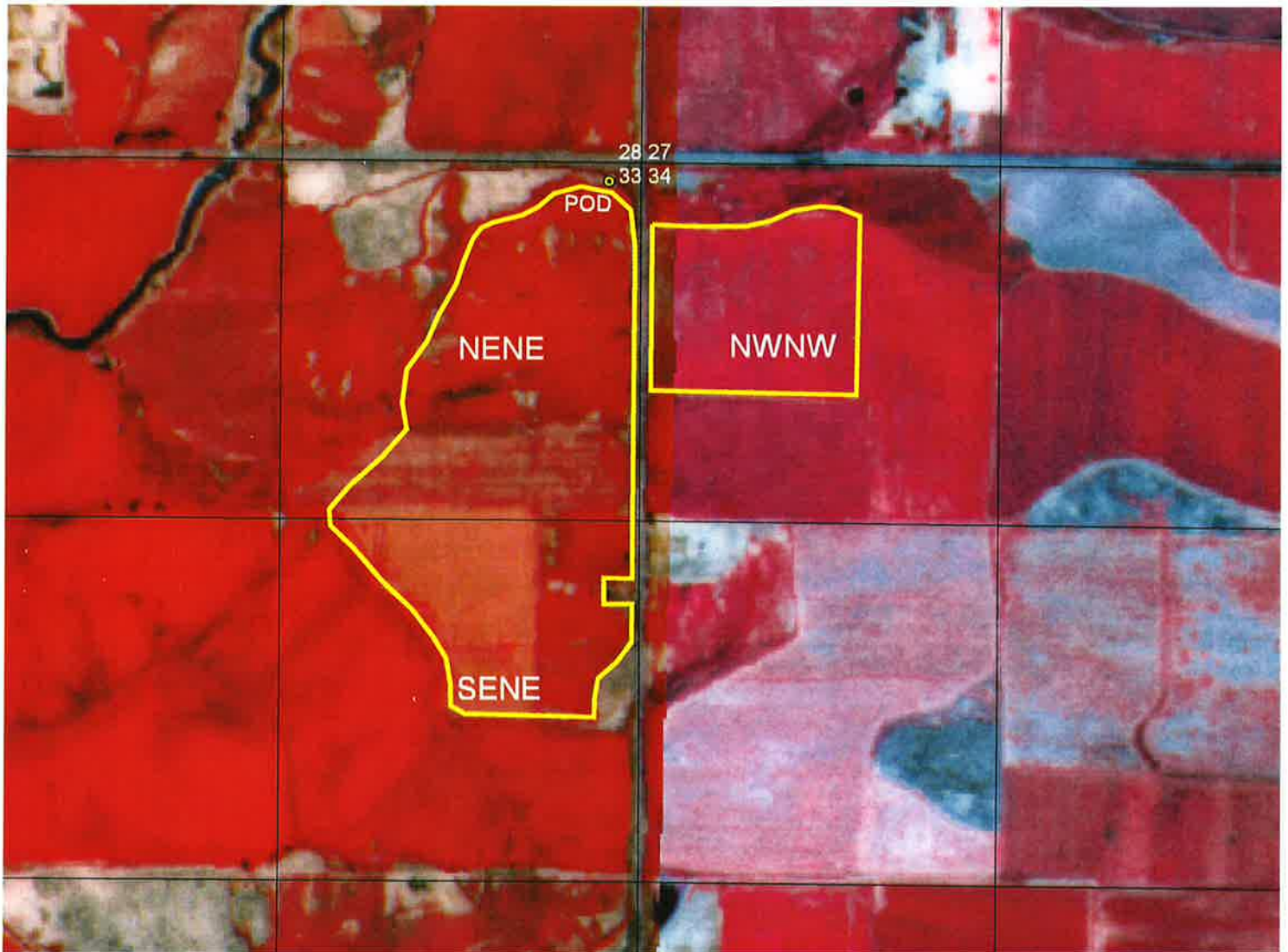
Reviewer: _____

Date: 9-28-04

oh

37-4308

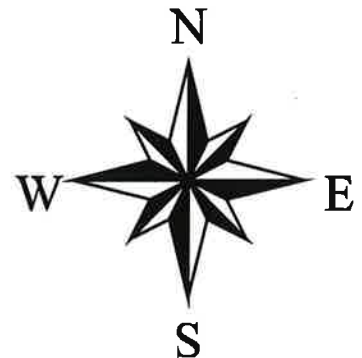
POD
or approx.
SEE C/F



800 0 800 1600 2400 Feet

T04S R16E S33

Map prepared by: Carter Fritschle
Date prepared: 01/22/03
1987-1988 NAPP photography
Idaho Department of Water Resources



8/20/04

Idaho Dept. of Water Resources
Carter Fritschle, Water Rights Supervisor

Re: Ident. Number 37-4308

Following is a statement verifying that this waste water pump
was in existence as claimed by this document.

Tony Sabala

I have lived on my farm, just two miles south of
where this waste water pump is located, since
the early 1950's.

This pump is at a crossroads where I would drive
by regularly to see my brother, on his farm, just
down the road. I remember this pump well, because
water pumps were quite rare, in this area, at
that time.

Royce D Adams



Jane M. Sabala
Wendell Self
3-7-09



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2004

37-4308
TONY PALACIO
JEAN PALACIO
799 W 720 N
SHOSHONE ID 83352

Re: Evidence of Priority Date

Dear Claimants:

RESPONSE DEADLINE
AUGUST 27, 2004

The Notice of Claim to a Water Right (claim) identified with the number shown above your names has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,


Carter Fritschle
Water Rights Supervisor

Enclosures

*Letter of response sent to IDWR
Twin*

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: A37-04308
Date Received: 6/17/1988
Receipt No: 5000459
Received By: ADN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TONY PALACIO 208-886-7552
Address: 799 WEST 720 NORTH
SHOSHONE, ID 83352

AND/OR

Name: JEAN PALACIO 208-886-7552
Address: 799 WEST 720 NORTH
SHOSHONE, ID 83352

2. Date of Priority: JUN 01, 1954

3. Source: WASTE WATER

Trib. to: *Milner Gooding Canal*

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	16E	33	NE	NE	NE		LINCOLN

5. Description of diverting works:
PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

A.F.A.

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	16E	33	NE	NE		IRR	20.0
			SE	NE		IRR	14.0
					Section Acres		34.0
		34	NW	NW		IRR	11.0
					Section Acres		11.0
					Total Acres		45.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
SHARES IN BIG WOOD CANAL CO.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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: 1

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): Tony Palacios Date: 6/17/88
Jeon Palacios Date: 6/17/88

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id
My Commission Expires 10-16-92



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Tony Palacio (Name of Claimant)

Rt # 1, Box 104, Shoshone, ID (Mailing Address) 83352 (Zip Code) Telephone No. 886-7552

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1954

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Waste water tributary to Mulder-Cooding Canal

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>1.6 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>mar 15</u>	To <u>Nov 15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 1.6 cfs (cfs, gpd, AFA) TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NE 1/4, Sec. 33 Twp. 4S Rge. 16E B.M., County of Lincoln

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 5hp perma lift pump to pipeline to gravity irrigation system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
45	16E	33	20			14													34
		34					11												11

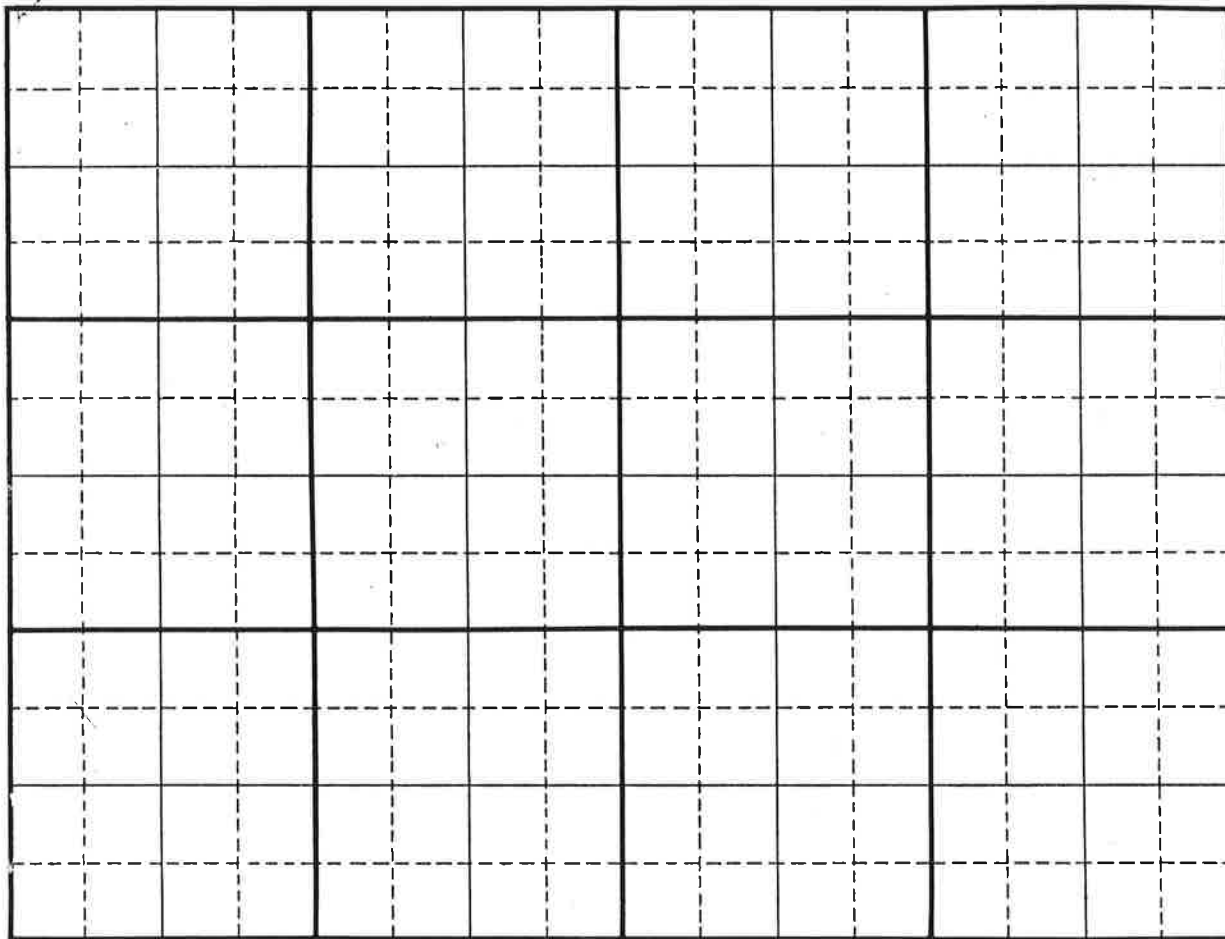
No. of acres 45

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Tony Palacio
(Claimant)

Sworn to before me this 21 day of April, 1983.

Maya A. Sanchez
Notary Public
Residing at Shoshone, id 83452

My commission expires life

FOR DEPARTMENT USE ONLY

Received by ADM Date 4/21/83 Exception filed by: _____ Date _____
Prelim. check by EA Date 4/22/83
3000 Fee received by ADM Date 4/21/83 # 27242
Published in Lincoln Co Journal
Dates 5/14 & 5/26/83

