

01/31/2003

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

RIGHT NUMBER: 37-7083

NAME AND ADDRESS: THEOBOLD G REMAKLUS
PO BOX 89
BLISS ID 83314

LOLA LOUISE REMAKLUS
651 BLISS GRADE
BLISS ID 83314

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.320 CFS
64.000 AFY

PRIORITY DATE: 01/12/1971

POINT OF DIVERSION:

T06S R13E S7 SESWNE Within GOODING County
T06S R13E S7 SESENW Lot 8 Within GOODING County
T06S R13E S7 SENWSE Lot 7 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/15	0.320 CFS 64.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S07	SWNE	2.0	T06S R13E S07 Lot 2 SWNW	2.0
T06S R13E S07 Lot 8 SENW	7.0		T06S R13E S07 Lot 7 NWSE	5.0

16 ACRES TOTAL

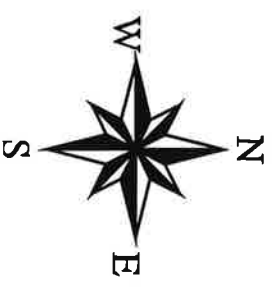
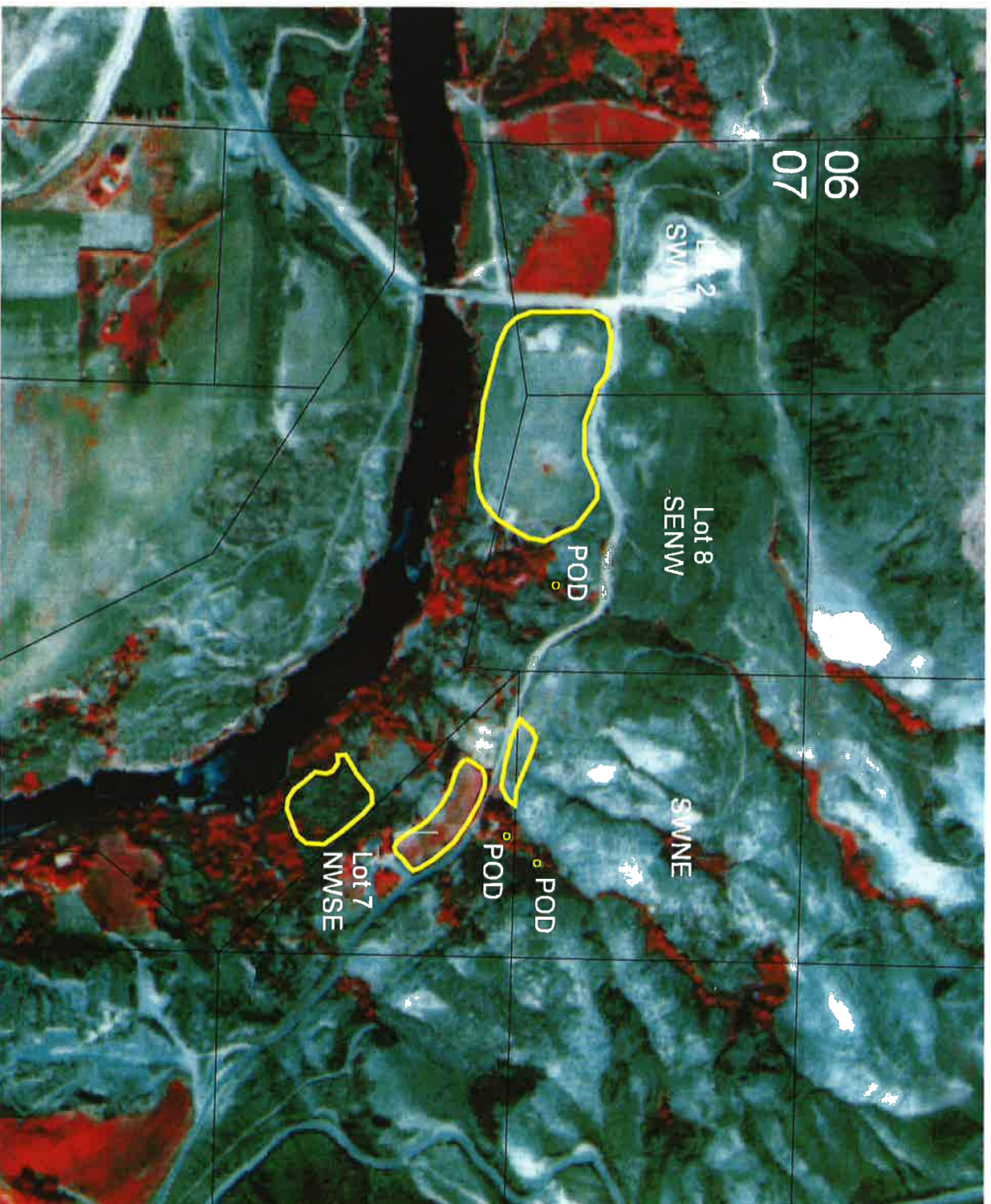
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: License

37-7083

T06S R13E
S07



Map prepared by: Carter Fritschle
Date prepared: 01/31/03
1987-1988 NAPP photography
Idaho Department of Water Resources

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7083 Priority January 12, 1971 Amount 0.32 cfs

THIS IS TO CERTIFY, that THEOBOLD G. REMAKLUS
of Bliss, Idaho, has complied with the terms and conditions of Permit
No. 37-7083 issued pursuant to Application for Permit dated January 12, 1971,
and has submitted proof to the Department of Water Resources on February 9, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.49 cfs of water from springs (3),
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to November 15</u>	<u>at 0.32 cfs and</u>	<u>64 acre feet</u>
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 0.32 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
64 acre feet per year, said waters to be diverted within the Lot 7, Lot 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7,
Twp. 6S, Rge. 13E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	13E	7			2				L. 2 2	L. 8 7							5		16

Total number of acres irrigated 16

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
November, 19 79.

Director

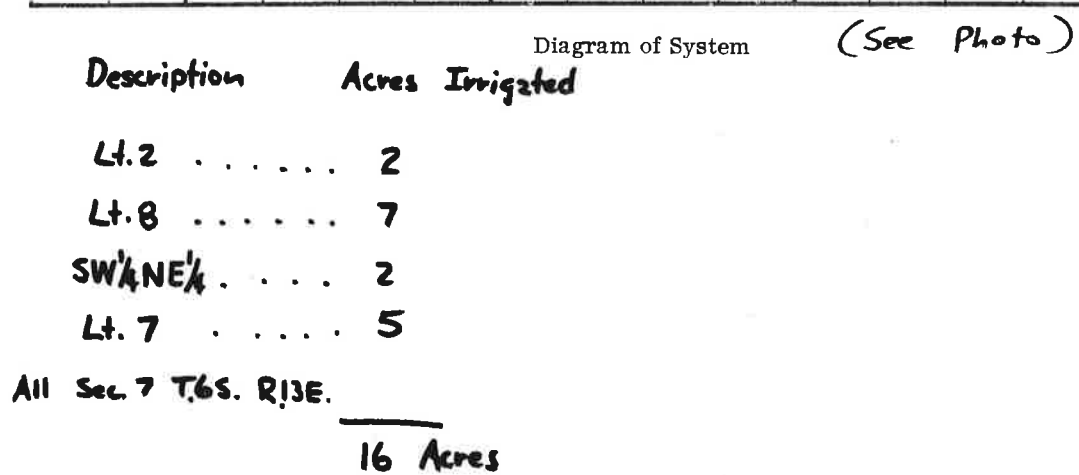
RECEIVED

Department of Water Resources
Southern District Office

[illegible]

Permit No. 31-1083
Examination for b/w

UNRECORDED



(See Photo)

Description	Acres Irrigated
Lt. 2	2
Lt. 8	7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2
Lt. 7	5

All Sec. 7 T.6S. R.13E.

16 Acres

DATE OF EXAM 7/2/79

ACREAGE
Found 16
Recommended 16

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 0.32 c.f.s. V = 64.0 AF/Ann. from 4-1 to 11-15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.485 cfs Method of measurement _____

Total Q recommended 0.32 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 64.0 cfs

Recommended Amendments:

P.D. Add Lt. 7 of Sec. 7 T6S, R.13E., B.M.
Place of Use (2A) Add. SE 1/4 NE 1/4 of Sec. 7 T6S, R.13E., B.M.
Other _____
None _____

MEASUREMENT CALCULATION:

$$Q_{\text{pump}} = \frac{(60 \text{ heads}) \times (3.6 \text{ gpm @ 40 psi with } 9/16" \text{ nozzles})}{448.8 \text{ gpm/cfs}} = 0.485 \text{ cfs}$$

Q springs in Lt. 7 = visual est. of 0.25 cfs

Q springs in Lt. 8 = difficult to determine because flows spread out over swampy area.

SYSTEM DESCRIPTION:

Gravity flow ditches for flood irrigation on a portion of the lands. Excess water is delivered to ponds; From largest pond water is pumped with 27 H.P. diesel motor with Pacific Berkeley Pump # FIPI8953 to seven solid set lines with 9/16" nozzles of various lengths. The sprinkler heads are Rainbird 30WS.

REMARKS:

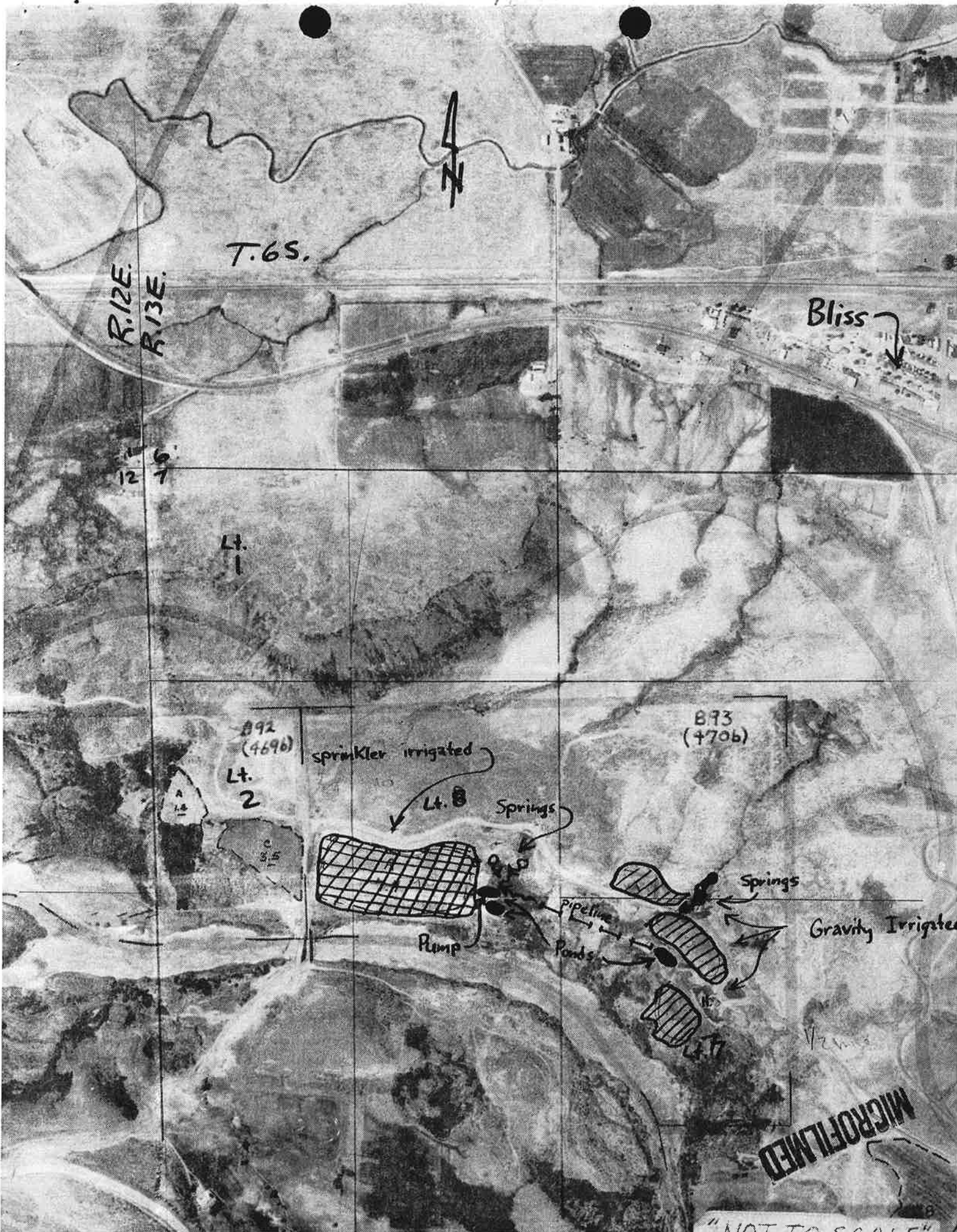
Mr. Remaklus was present during exam.

When the diesel pump is diverting water it only supplies enough water for 60 sprinkler heads at an average pressure of 40 psi.

Examiner's Signature Ally D. Merritt Date 7/17/79

Checked by Jay Funderburg Date 7/17/79

Approved by _____ Date _____



MEMORANDUM

TO: SRBA File A37-07083

FROM: Corey Skinner 

DATE: September 20, 1999

SUBJECT: Claim Information

This day I spoke with Arnie Wetzstein who is familiar with the water use covered under SRBA claim A37-07083. Mr. Wetzstein has contacted the claimant and investigated the water use for this particular claim as part of his work for the West Measurement District. Apparently, the claimant now irrigates significantly fewer acres than what was originally claimed due to the original place of use being destroyed by a landslide. Mr. Wetzstein has waved this particular water system from the measurement district, due to the current water use. This particular claim may require field work to verify and define the actual current place of use. It was also noted that a much earlier priority date was claimed for this water right than what was originally licensed. I have attached copies of some of Mr. Westein's measurement district notes regarding this water right which may be useful in the SRBA review.



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/idwr/idwrhome.htm

January 8, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LOLA REMAKLUS
651 BLISS GRADE
BLISS ID 83314

RE: ***Notice of 1999 Water Measurement and Reporting Requirement***

Dear Water User:

Our records show that you are the owner or operator of a surface water diversion in the Eastern Snake Plain Aquifer (ESPA). Your diversion(s) will be subject to measurement and annual reporting requirements beginning this year. As you may know, the department created the West Water Measurement District (WMD) in your area in October 1996 for the purpose of coordinating and assisting with the measurement requirement. Copies of the order were sent to all water right holders of record at that date. If you did not receive a copy, please contact this office. The measurement district includes both ground water and surface water diversions. However, if you have other diversions regulated by an active state watermaster, they will not be included in the water measurement district.

Based on IDWR water right records, the following diversions will be required to be measured:

Point of Diversion	Water Right	Source	Diversion Name
06S 13E 07 SENW	A37-07083	SPRING	IRRIGATION SPRING

When I contacted you by phone last summer, you told me that you had lost several acres of land to the landslide and were no longer irrigating the full 16 acres under the above right. If you do not intend to reinstate the full right by applying the water to other acres, you might consider reducing your water right claim to avoid assessment by the Water Measurement District. Claims for 5 or less acres, with rates of flow less than or equal to 0.24 cfs are not presently required to pay assessment or measure water uses.

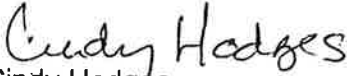
If your claim is not modified, you will be assessed annually by the West Water Measurement District beginning in 1999. The District assessment will include a flat charge of \$25.00 per diversion, plus a pro-rata charge of approximately \$35 per cfs, based on the claimed diversion rate for each water right. The District Hydrographer will assist you with selecting, siting, maintaining and reading measuring devices if necessary, and will calibrate or certify all devices. District members file annual reports directly to the Hydrographer.

January 8, 1999

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If you have questions, please contact me at 208-327-5406, or the West Water Measurement District at our Southern Region Office in Twin Falls at 208-736-3033.

Sincerely,


Cindy Hodges
Sr. Water Resource Agent
Water Distribution Section

Enclosures

cc: IDWR Southern Region Office

9/15 ABW

Visited with Lola. The landslide several years took this land into the river & destroyed the spring. ~~A~~

Her husband discovered & developed another small spring. This spring is the source of her lawn water when water is available. The spring doesn't always flow. She would use her well for lawn sprinkling when the spring is not flowing.

I will waive this diversion from the district but pass the info along to a water agent. If the spring is not there, does the water right still exist? This seems open ended.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
~~C~~	~~THEOBOLD G REMAKLUS~~	~~04/01/1888~~	~~IRRIGATION~~	~~04-01 11-15~~	~~0.32 CFS~~	~~64.00 AFA~~
	PO BOX 89					
	BLISS ID 83314					
	(208) 352-4427					
	651 Bliss Grade.					
	TOTAL DIVERSION:				0.32 CFS	64.00 AFA
	CONSUMPTIVE USE:					49.00 AFA

C LOLA LOUISE REMAKLUS
~~BLISS~~ ID 83314

Water Source: SPRING

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T06S R13E S07

SWNE	Lot08(	SENW)	Lot07(	NWSE)
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GOODING County

Place of use legal Description for: IRRIGATION

[illegible]

POU County: GOODING

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources) =
 A3Z-10071 BZZ-10071

A37-10071 R37-10071

DOM WEL

Other Water Rights Listing Overlapping Place(s) of Use: 427 0/000

A37-04012 PCO 441

0

Dates: **Exam Made Date:**

Verified Date:

04/08/1985

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit:	06/02/88	WHITE	03/30/95	POST-STD

1-7-98

Drive by last summer
verified no use.
WANE? gynecophon?

Stop by ok.
FRIDAY 8:30ok.
Lost land to
landslide - Not
Mr. anything but
yard now - 2 yrs
since full right
lost used

Page # 1

Right holders lost the use of most of their 16 acres due to the Bliss grade landslide, then Mr. Remaklus passed away last year. Spring flow was not affected, but land has not been reclaimed and irrigation now is limited to <1 ac lawn. Per Mr. Weaver, Mrs. Remaklus does not care to pursue the resumption of use of the right. I requested either a claim amendment or an affidavit of abandonment in order that we may waive participation in the WMD.
cjh 1/20/99

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: A37-07083
Date Received: 6/02/1988
Receipt No: S000317

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THEOBOLD G. REMAKLUS 208-352-4427
Address: P.O. BOX 89
BLISS, ID 83314

AND/OR

Name: LOLA LOUISE REMAKLUS
Address: BLISS, ID 83314

2. Date of Priority: APR 01, 1888

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	7	SW	NE			GOODING
			SE	NW	8		GOODING
			NW	SE	7		GOODING

5. Description of diverting works:
DITCHES TO PIPELINE TO PUMP TO SPRINKLER. 27 HP DIESEL PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/15	0.320		64.00

7. Total Quantity Appropriated is:
0.320 C.F.S. (and/or) 64.00 A.F.A.

8. Total consumptive use is 49.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	13E	7	SW		NE		IRR	2.0
			SW		NW	2	IRR	2.0
			SE		NW	8	IRR	7.0
			NW		SE	7	IRR	5.0
							Section Acres	16.0
							Total Acres	16.0

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:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number:

(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.

MICROFILMED
FEB 24 1993