

12/10/2006

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

RIGHT NUMBER: 75-10799
NAME AND ADDRESS: JOHN ALDOUS
PO BOX 44
CARMEN ID 83462

ARTHUR ALDOUS
BOX 44
CARMEN ID 83462

SOURCE: SPRING WASTE WATER
TRIBUTARY: CARMEN CREEK
TRIBUTARY: CARMEN CREEK

QUANTITY: 1.300 CFS

PRIORITY DATE: 05/01/1935

POINT OF DIVERSION:

T22N R22E S2 ~~S~~WSWNW Within LEMHI County
T22N R22E S2 SWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.300 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	NESW	23.00	T22N R22E S03	SWSW	20.00
T22N R22E S03	SESW	4.00	T22N R22E S03	NWSE	18.00

65 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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

03/21/2006

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

RIGHT NUMBER: 75-10799

NAME AND ADDRESS: JOHN ALDOUS
PO BOX 44
CARMEN ID 83462

ARTHUR ALDOUS
BOX 44
CARMEN ID 83462

SOURCE: SPRING TRIBUTARY: CARMEN CREEK
WASTE WATER TRIBUTARY: CARMEN CREEK

QUANTITY: 1.300 CFS

PRIORITY DATE: 05/01/1935

POINT OF DIVERSION:

T22N R22E S2 SWSWNW Within LEMHI County

T22N R22E S2 SWSWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	1.300 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T22N R22E S03	NESW	15.00	T22N R22E S03	NWSW	5.00
T22N R22E S03	SWSW	15.00	T22N R22E S03	NWSE	30.00

65 ACRES TOTAL

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.



Idaho Department of Water Resources

SRBA Recommendation:

75-14285

(Irrigation)

Legend

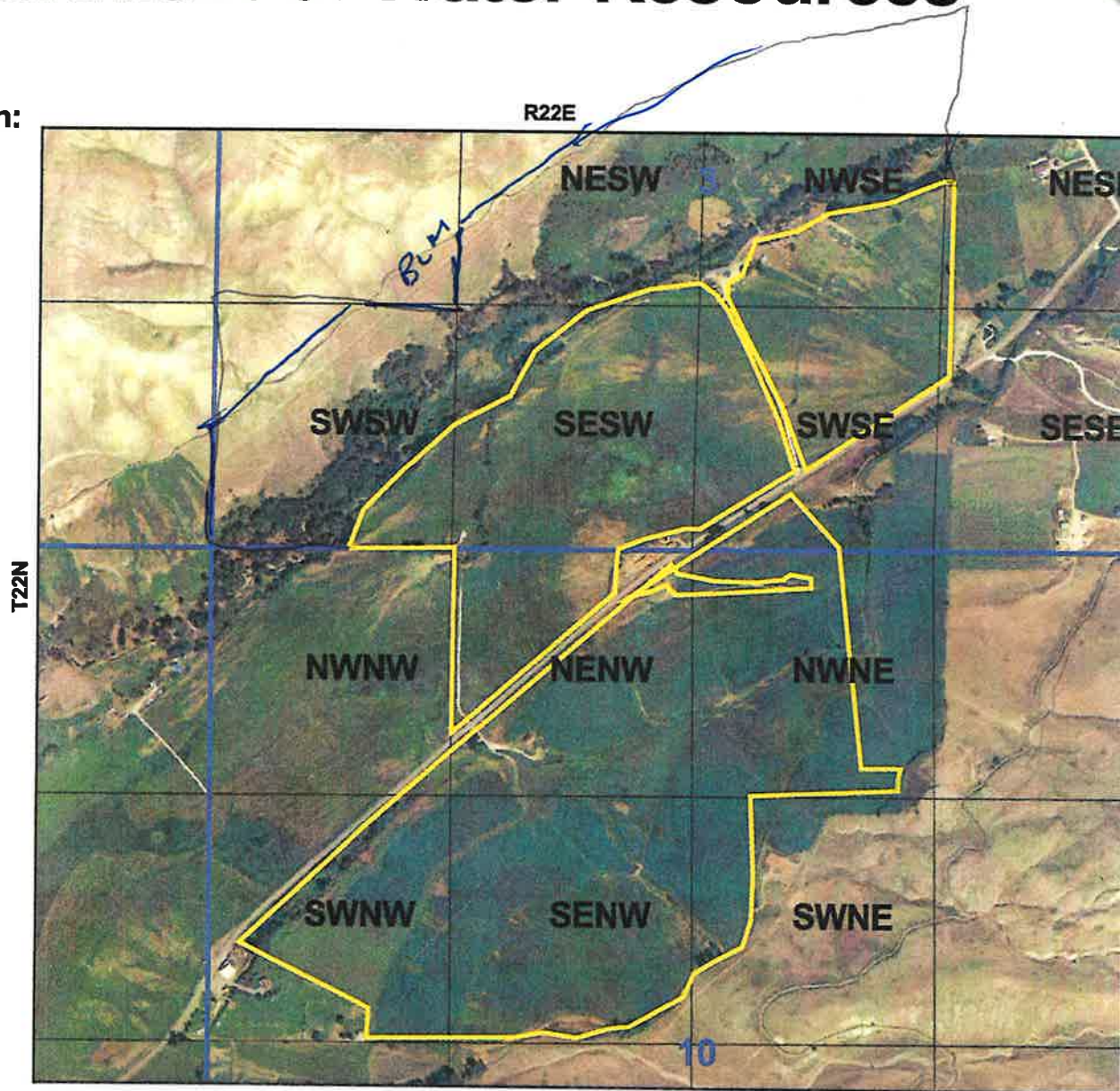
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.4 0.8 Miles



Prepared by M. Ciscell
On Monday, November 20, 2006
2004 Aerial Photography

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: ~~75-10798~~ 75-10799

ARTHUR ALDOUS

BOX 44

CARMEN ID 83462

Telephone Number: (208) ~~756-2447~~ 940-0816

JOHN ALDOUS

PO BOX 44

CARMEN ID 83462

Telephone Number: (208) ~~756-2447~~ 940-0816

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

All shot

2. Describe the changes you wish to make in the proposed recommendation:

see map

3. Give a brief explanation as to why you disagree with these portions:

should be allowed it is across Carmen Cr.
and solely owned by John Aldous never been split

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-9-06

SIGNATURE:

John Aldous

Please print your name:

John Aldous

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

Period of use: 04/01 thru 12/31

For: Stockwater and Irrigation

M. Gary Anderson has no decreed water rights out of
Carmen Creek, from the Aldous decreed water.

SCANNED ✓
DEC 18 2006

SCANNED

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: **A75-10799**
Date Received: 5/27/1993
Receipt No: E014436
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JOHN ALDOUS 208-756-2447
Address: BOX 44
CARMEN ID 83462
OR
Name: ARTHUR ALDOUS 208-756-2447
Address: BOX 44
CARMEN ID 83462



2. Date of Priority: MAY 1, 1935

3. Source: SPRING Trib. to: CARMEN CREEK
WASTE WATER CARMEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	22E	2	SW	SW	NW		LEMHI

5. Description of diverting works:
DITCH ALONG HILL COLLECTS SPRING AND WASTE WATER(SEE CLAIM)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.300		

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

8. Total consumptive use is 132.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
22N	22E	3	NE		SW		IRR	15.0
			NW		SW		IRR	5.0
			SW		SW		IRR	15.0
			NW		SE		IRR	30.0

Section Acres 65.0

Total Acres 65.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

SPRING RUNS APPROX 10 IN OF WATER AT LOW FLOW IN APRIL AND APPROX 30 IN OF WATER IN HIGH FLOW PERIODS. THE REST OF THE WATER IS WASTE WATER FROM ADJACENT RANCHES.

15. Basis of Claim: BENEFICIAL USE

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: _____

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): _____ Date: _____
_____ Date: _____

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 A75-10799Date Received 5-10-90 P.M.Receipt Number E014436

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 11 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) John or Arthur Aldous Phone (208) 756-2447Mailing Address Box 44 Carmen, Idaho Zip 834622. Date of Priority (Only one (1) per claim) 1935, May 13. Source of water supply (a) Spring + waste water
which is tributary to (b) Carmen Creek4. a. Location of existing point of diversion is: Township 22N Range 22E Section 2,
SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Ditch along edge of hill
collects spring and carries it to irrigated land. also
waste water from adjacent fields

MICROFILMED

APR 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 1.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 132.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
22N	22E	3									15	5	15			30			65

Total number of acres irrigated 65

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

Spring runs approx 10 in of water at low flow in April and approx 30 in of water in high flow periods. The rest of the water is waste water from adjacent ranches

Last Name _____ Ident No. _____

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Copies: White - State, Yellow - Claimant

APR 19 1994

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 5/10/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 10th day of May 19 90

SEAL

Notary Public Sheila K. Hodges

Residing at Salmon Idaho

My Commission Expires 9-21-95

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Aldous Ident. Number _____

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APR 18 1990
Copies: White-State, Yellow-Claimant

MICROFILMED
APR 19 1994

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.

Scale: 2 inches equal 1 mile.

R 22 E.

B. M.

