

11/13/2006

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

RIGHT NUMBER: 75-14100

NAME AND ADDRESS: JEFFREY V WAITE  
C/O KENT W FOSTER, HOLDEN, KIDWELL, HAHN, & CRAPO, PLLC  
PO BOX 50130  
IDAHO FALLS ID 83405

SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/17/1923

POINT OF DIVERSION:

T22N R21E S1 NESW Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 11/01          | 0.120 CFS       |

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06 Lot 5 NWNW 6.00

6 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: BASIS OF CLAIM - Beneficial Use



75-14100

objection from Bourdon (rep. Jerry Rigby)

- WR should not exist
- Claimant has no legal right or authority to divert water for this claimed right across Forest Service lands to claimants lands.

objection from Waite (rep. by ? - was Kent Foster)

Q should be 0.5 cfs

P.D. should be May 13, 1898

POU should be T23N R22E Sec 31 SWSW 3ac.

T22N R22E Sec 6 SWSW 22ac

Same reasons which supported original claim  
which has been modified dramatically  
in the recommendation.

Claim

Waite

6/1/1902

Wallace Cr. trib. to Salmon R.

0.50 cfs

POD: 22N 21E Sec 1 SWSENW

POU: 22N 22E Sec 6 SWSW 22ac.

23N 22E Sec 31 SWSW 3ac  
25ac.

Other WR used: 75-83 + 75-4385

Stat. Claim 75-4385

4/17/1923

Wallace Cr.

1.8 cfs

POD: 22N 21E 1 SE NW 15

POU: 22N 21E 6 NENW 40

NWNW 5

SE NW 1/2

23N 22E 31 SWSW 1/2

SE SW 1/2

90a.

Rec

Waite

4/17/1923

Wallace Cr. trib. to Salmon R.

0.12 cfs (1 inch per acre)

POD: 22N 21E Sec 1 NESW

POU: 22N 22E Sec 6 NWNW 6ac.

Thoughts

Waite does own small chunk of land in 23N 22E sec 31 (5ac?)  
he owns much more in Sec. 6

Waite does not own property in Sec 6 SWSW

POD ditch does go across FS land - no objection from FS

- b/c of this, I think we can discount Bourdon's objection  
that leaves us with POU - should we allocate more acres?

imagery supports additional acres - my first cut is 22.5

there is irrigation on FS ground - there is a FS easement  
for ditch - irrig is in 22N 21E 1 NENE (not claimed)

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION SECTION  
CLAIM VERIFICATION FIELD EXAM SHEET  
(Use with the ECVR)**

CLAIM NO(s). 75-14100

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: \_\_\_\_\_

☒ No Change ADDRESS

☐ NEW ADDRESS: \_\_\_\_\_

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: \_\_\_\_\_

(If the priority date, based on your exam, seems questionable, explain below.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: \_\_\_\_\_

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0015060 AC 4/62405 P001

|                |             |               |           |           |           |
|----------------|-------------|---------------|-----------|-----------|-----------|
| Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ | 1/4 _____ |
| Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ | 1/4 _____ |

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

headgate on creek ditch to place of use

75-4885 Priority 4/17/1923

6. ☒ No Change - WATER USES  
☐ Different uses, (list uses found):

|           |            |          |              |           |           |
|-----------|------------|----------|--------------|-----------|-----------|
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: \_\_\_\_\_ Stock # \_\_\_\_\_ List types: \_\_\_\_\_

Additional comments: \_\_\_\_\_

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

|            |                |             |               |           |           |
|------------|----------------|-------------|---------------|-----------|-----------|
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |
| Use: _____ | Township _____ | Range _____ | Section _____ | 1/4 _____ | 1/4 _____ |

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

*this land should be covered under a portion of 75-4385.*

*no PDD shown in S&W SE NW 22N 21E 1 for 75.83 or 75.84*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: \_\_\_\_\_

FIELD EXAMINER: \_\_\_\_\_

Print Name

Signature

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 75-14100

Case No. 35976

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Jeffrey V. Waite

Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-1030

Daytime Phone: 208-523-0620

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: Jeffrey V. Waite

Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-1030

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☒ **Quantity**  
Should be: 0.5 cfs
4. ☒ **Priority Date**  
Should be: May 13, 1898
5. ☐ **Points of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use**  
Should be: T23N., R22E., Sec. 31, SWSW (Lot 10) - 3 acres and T22N., R22E., Sec. 6, SWSW (Lot 5) - 22 acres
10. **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Same reasons which supported original claim which has been modified dramatically in the recommendation.

VERIFICATION (Must be Completed)

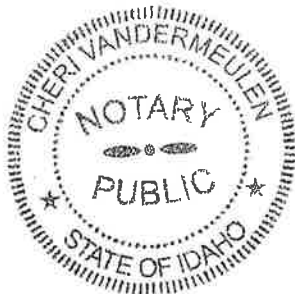
State of Idaho                    )  
                                          )ss.  
County of Bonneville         )

Kent W. Foster, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
\_\_\_\_\_  
Kent W. Foster, Attorney

Subscribed and sworn to before me on this 30<sup>th</sup> day of January, 2007.



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Idaho Falls, ID  
My Commission Expires: July 7, 2009

G.

# CERTIFICATE OF MAILING

I hereby certify that on the 31<sup>st</sup> day of January, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environmental and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
\_\_\_\_\_  
Kent W. Foster, Attorney

G:\WPDATA\JKWF\10939 WAITE, JEFF\Objection, 75-14100.wpd

RECEIVED  
FEB 17 1997  
JAN 25 1997

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

A. Subcase 75-14100

Case No. 35976

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Please fill in the following information:

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Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-1030

Daytime Phone: 208-523-0620

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

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Name: Jeffrey V. Waite

Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-1030

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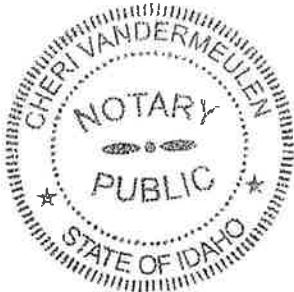
State of Idaho                     )  
                                          )ss.  
County of Bonneville         )

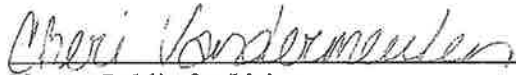
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That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
\_\_\_\_\_  
Kent W. Foster, Attorney

Subscribed and sworn to before me on this 30<sup>th</sup> day of January, 2007.



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Idaho Falls, ID  
My Commission Expires: July 7, 2009

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Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environmental and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
\_\_\_\_\_  
Kent W. Foster, Attorney

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March 1, 2007 Ken Knoblock

75-84 did not cover the land described in this claim.

We only found 6 acres of 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 75-14100  
Date Received: 7/10/2003  
Receipt No:  
Received By:

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

A7514100



1. Name of Claimant(s)

JEFFREY V WAITE Phone: (208)523-0620  
C/O KENT W FOSTER, HOLDEN, KIDWELL, HAHN, & CRAPO, PLLC  
PO BOX 50130  
IDAHO FALLS ID USA 83405

2. Date of Priority: 06/01/1902

3. Source: WALLACE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 22N      | 21E   | 1       | SW SE NW              | LEMHI  |      |

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 | 04/01 | 11/01 | 0.5    |            |

7. Total Quantity Appropriated is:  
0.5 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 |
|---------------|-------|---------|----------------|------------|-------|
| 22N           | 22E   | 6       | SW SW          | IRRIGATION | 22    |
| Section Acres |       |         |                |            | 22    |

23N

22E

31

SW

SW

IRRIGATION

3

Section Acres

3

Total Acres

25

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:

OTHER WATER RIGHTS USED: 75-83 AND 75-4385

15. Basis of Claim: Decreed

SCANNED

JAN 29 2003

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 75-84 75-14100

Date Received 7-10-03

Receipt Number ED 28977

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

SCANNED  
FEB 28 2007

1. Name of Claimant(s) Jeffrey V. Waite Phone (208)523-0620  
Mailing Address c/o Kent W. Foster, Holden, Kidwell, Hahn & Crapo, P.L.L.C.,  
P.O. Box 50130, Idaho Falls, ID Zip 83405-0130
2. Date of Priority (Only (1) per claim) June 1, 1902
3. Source of water supply (a) Wallace Creek  
which is tributary to (b) Salmon River
- 4.a. Location of existing point of diversion is:  
Township 22N. Range 21E. Section 1, SW 1/4 of SE 1/4 of NW 1/4, Govt. Lot     , County of       
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. Headgate and ditch.
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 0.5cfs or
7. Total quantity claimed (a) 0.5 (cfs) and/or (b)      (acre feet)
8. Total consumptive use claimed is      acre feet per annum.

RECEIVED

JUL 03 2003

Department of Water Resources  
Eastern Region

9. Non-irrigation uses; describe full (e.g. Domestic: Give number of household 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 instruction for standard symbols.

| TWP | RNG | SEC | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |                      |    | SE 1/4 |    |    |    | TLS      |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----------------------|----|--------|----|----|----|----------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW                   | SE | NE     | NW | SW | SE |          |
| 23N | 22E | 31  |        |    |    |    |        |    |    |    |        |    | LOT 10<br>3<br>ACRES |    |        |    |    |    | 3 ACRES  |
| 22N | 22E | 6   |        |    |    |    |        |    |    |    |        |    | LOT 5<br>22<br>ACRES |    |        |    |    |    | 22 ACRES |
|     |     |     |        |    |    |    |        |    |    |    |        |    |                      |    |        |    |    |    |          |

Total number of acres irrigated 25

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.  
75-83 and 75-4385 or None ( )

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ Permit \_\_\_\_\_ Decree X License \_\_\_\_\_

If applicable provide IDWR Water Right Number 75-84

Court Sixth Judicial District, County of Lemhi Case Number \_\_\_\_\_ Decree Date January 27, 1941

Plaintiff vs Defendant Rose, et.al. v. Webb, et.al.

16. Signature(s)

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

Signature of Claimant(s) Jeffrey V. Waite Date 6/13/03  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_ of \_\_\_\_\_  
(Title)

\_\_\_\_\_, that I have signed the foregoing document in the space below as  
(Organization)

\_\_\_\_\_  
(Title) of \_\_\_\_\_ and that the statements contained in the  
(Organization)

Last Name Waite, Jeffrey V. Ident. Number 75-84

SCANNED  
JAN 23 2003

foregoing document are true and cor

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this 13 day of June, <sup>2003</sup>~~2002~~ M.S.

Notary Public Molly Shanafelt  
Residing at Salmon, ID.  
My Commission Expires 12-18-03

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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 Kent W. Foster  
Address Box 50130 Idaho Falls, ID 83405  
Date 7/1/03

SCANNED  
JAN 29 2003

Last Name Waite, Jeffrey V. Ident. Number 75-84