

**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 PALOUSE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 59576

Claim ID: 87-10059

Date Received: _____

Receipt No: _____

Claim Fee: _____ By: _____

RECEIVED

AUG 26 2019

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

IDWR/NORTHERN

Please type or print clearly

1. Name of claimant(s) Board of Regents of the University of Idaho Phone (208) 885-0141
Mailing address 875 Perimeter Drive, Moscow, Id Zip 83844-2281
Street or Box _____ City _____ State _____
Email address (optional) robk@uidaho.edu
2. Date of priority: (Only one per claim) 5/15/1961 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Flat Creek
which is tributary to (b) Palouse River
4. a. Location of point of diversion is: Township 40N, Range 03W, Section 05,
NW 1/4 of NE 1/4, Govt. Lot 07, BM, County of Latah
Parcel no. RP40N03W040004
Additional points of diversion, if any: _____
If available, GPS Coordinates 46.844059, -116.737951
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, 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.
Flat Creek Fire Pond 3 holds 86,100 C/F and is used for fire protection, stockwater, forestry research, teaching
and demonstration and wildlife storage.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Fire protection storage purposes from 1/01 to 12/31 amount _____ or 7.2

For Industrial storage purposes from 1/01 to 12/31 amount _____ or 7.2

For Aesthetic Storage purposes from 1/01 to 12/31 amount _____ or 7.2

For Wildlife Storage purposes from 1/01 to 12/31 amount _____ or 7.2

7. Total quantity claimed (a) _____ (cfs) and/or (b) 7.2 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Idaho Title 38, Ch. 706-707 Forestry research, teaching and demonstration

9. 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	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	03W	5					S/F												
40N	03W	5					W/J												

Parcel no(s). RP40N03W040004

Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes (☒) No (☐)

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

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

_____ or None (☐)

13. Remarks (Include an explanation of the priority date selected):

Fire Pond 3 was excavated in 1961. The pond supports the College of Natural Resources at the University of Idaho under Idaho Title 38 to conduct research, teaching and demonstrations associated with challenges in protecting forest resources and timber production. Fire Pond 3 is used in teaching and experiments that vary annually including irrigation of planted tree seedlings, saplings, or mature trees; retention or diversion of snowmelt to manipulate hydrologic impacts on forests; and wetting and other manipulation of fuel moistures to study prescribed and wildland fire behavior and safely control fire behavior research. Water is periodically diverted using portable pumps, water tenders, storage tanks, hose lay, and pipe.

Name of claimant(s) Board of Regents of the University of Idaho

Claim ID _____

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 87-10059

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Palouse River Basin Water System 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

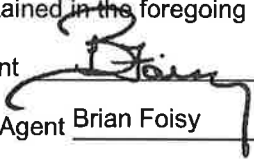
Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

VP, Finance and Administration _____ of Board of Regents of the University of Idaho
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent  Date 8.22.19

Printed Name of Authorized Agent Brian Foisy

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Travis L. Thompson, 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  Date August 19, 2019

Address Barker Rosholt & Simpson LLP, P.O. Box 63, Twin Falls, Idaho 83303-0063

Name of claimant(s) Board of Regents of the University of Idaho Claim ID _____

State of Idaho
Department of Water Resources

Water Right
87-10059

STOCKWATER STORAGE

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

