

07/28/2005

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

RIGHT NUMBER: 37-21487

NAME AND ADDRESS: DANIEL DAVIS
539 POPLAR ST.
BLISS ID 83314

LISA DAVIS
539 POPLAR ST.
BLISS ID 83314

SOURCE: LOWER WADDINGTON SPRING

TRIBUTARY: STODDARD CREEK

QUANTITY: 0.060 CFS

PRIORITY DATE: 11/07/1887

POINT OF DIVERSION:

T06S R13E S27 NESWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.060 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S27 NESW 2.0

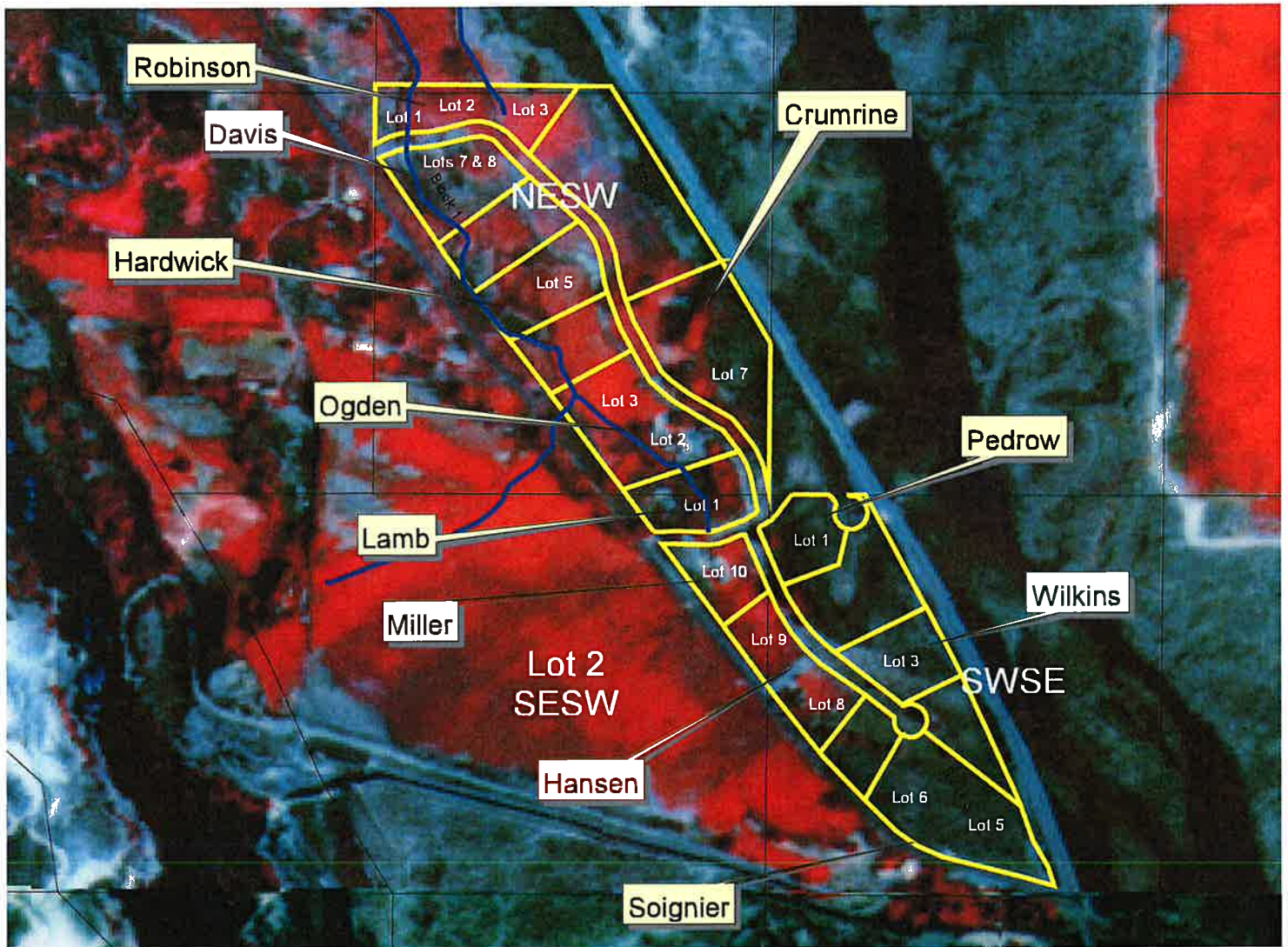
2 ACRES TOTAL

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

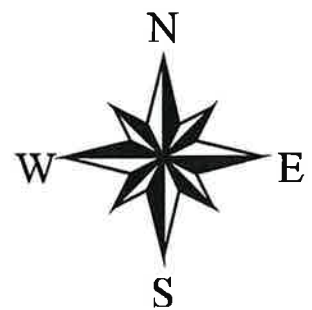
Malad Estates Subdivision



700 0 700 1400 Feet

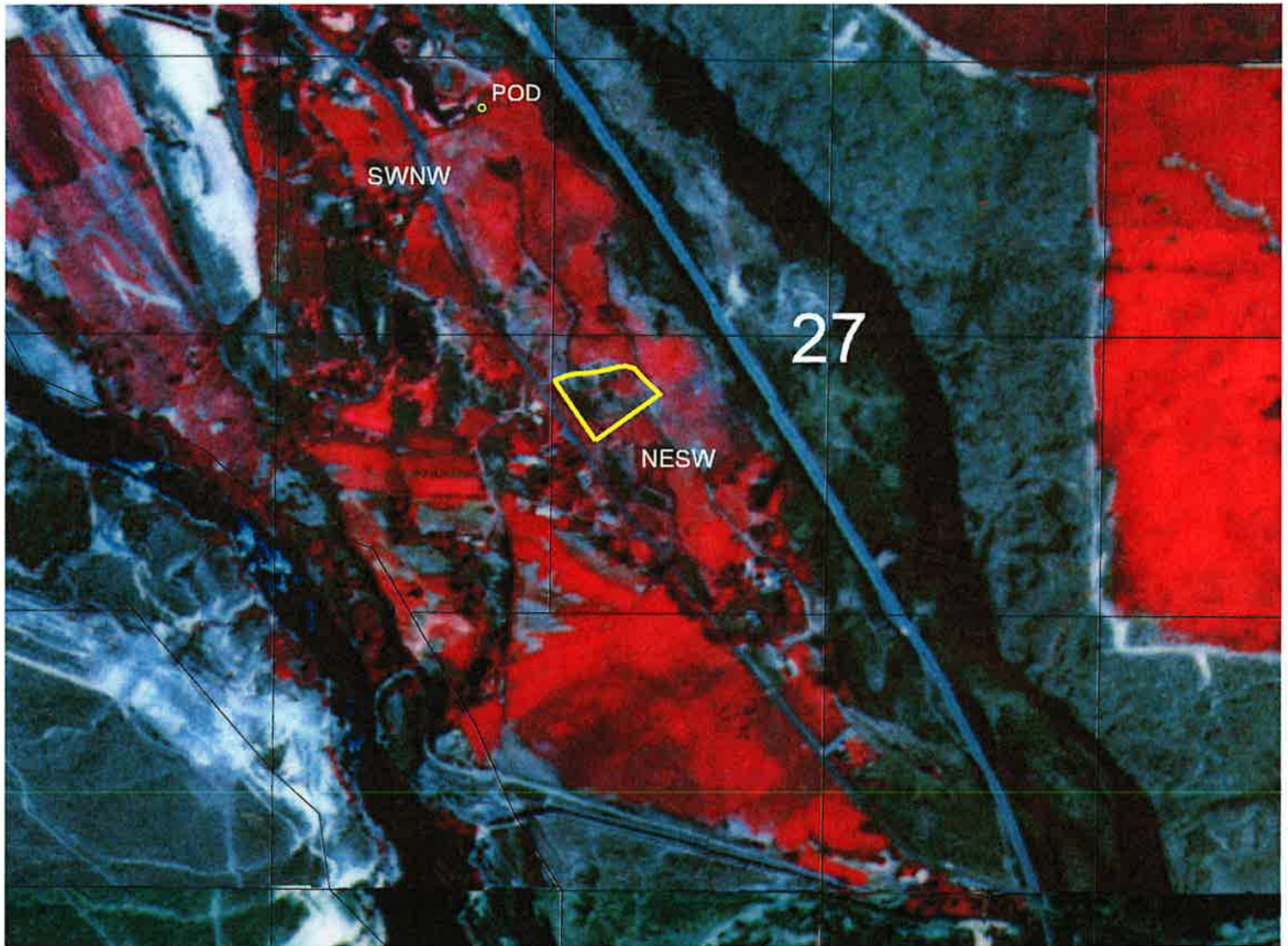
T06S R13E S27

Aerial Photo 1987



CLF 08/03/05

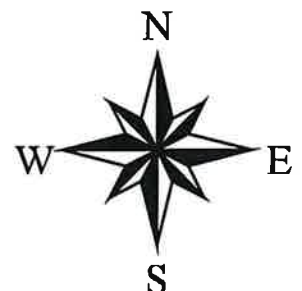
37-21487



900 0 900 1800 2700 Feet

T06S R13E S27

Map prepared by: Carter Fritschle
Date prepared: 07/28/05
1987-1988 NAPP photography
Idaho Department of Water Resources





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JUL 27 2005

DEPARTMENT OF
WATER RESOURCES

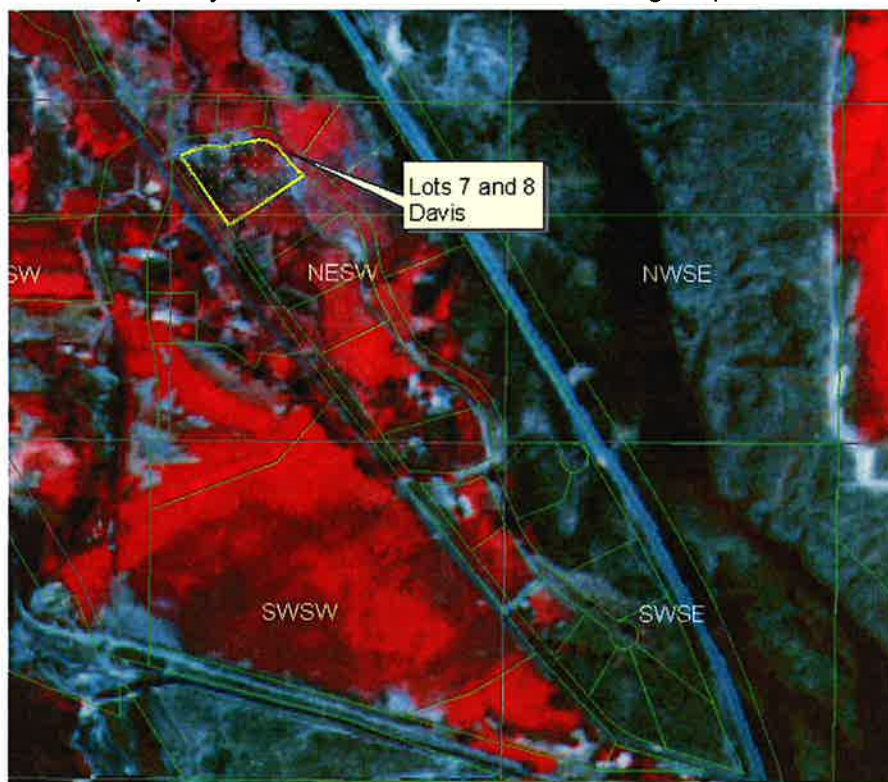
July 25, 2005

Carter Fritschle

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 37-21487

Dear Carter

Enclosed is another late claim in the Malad Estates sub-division made by Daniel and Lisa Davis. The claim is based on the 11/07/1887 priority date based on the John Waddington posted notice. The claimant is located in lots 7 and 8. Call me with any questions.



Sincerely

Nick Treasure

Water Resource Agent

E-mail address: nick.treasure@idwr.idaho.gov

Enclosures

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 37-21487
Date Received: 7/25/2005
Receipt No: 5027848
Received By: NT

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

1. Name of Claimant(s)

Daniel Davis Phone: (208) 837-4168
539 POPLAR ST.
BLISS ID USA 83314

Lisa Davis Phone: (208) 837-4168
539 POPLAR ST.
BLISS ID USA 83314

2. Date of Priority: 11/07/1887

3. Source: LOWER WADDINGTON SPRING Trib. to: STODDARD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	27	NE SW NW	GOODING	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.06	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	13E	27	NE SW	IRRIGATION	2
Section Acres					2
Total Acres					2

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: 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: 7-25-05

Janie Roberts

Date: 7-25-05

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th

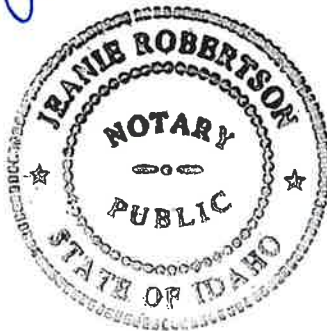
of July 2005

Janie Robertson

Notary Public

Residing at Twin Falls, ID.

My commission Expires 9-23-06



22

Malad Estates Sub-division

Township 6S
R13E



27



NE SW

34

2

3

Stoddard Creek and Waddington Springs

1. Posted Notice by John Waddington - Water Rights Book # 1, Page 88, Lincoln County, Idaho and Water Rights Book A, Page 284, Gooding County, Idaho

Notice is hereby given that the undersigned claims by right of location, possession and final diversion all of the water of this spring known as Stoddard Spring or Creek, situated in Salmon Falls Mining District, Alturas County, Idaho, to be diverted from its natural channel at this notice and be carried by ditch and flume from this point to ranch of the undersigned, hereby reserving the right and privilege to change said point of diversion should such change be deemed advantageous to the purpose hereinafter named to be used for mining, milling, agricultural and domestic purposes.

Signed John Waddington Dated November 7, 1887 - Filed for Record, November 7, 1887

Stoddard Creek originates with Lower and Upper Waddington Springs, Stoddard Creek Springs and an unnamed spring.

2. Posted Notice by Luther Jacobs - Water Rights Book # 4, page 41, Alturas County, Idaho

Notice is hereby given that I a citizen of the United States, claim by right, location, possession and final diversion 400 inches of the water of this creek, known as Stoddard Creek, not otherwise appropriated, situated in Salmon Falls Mining District, Alturas County, Idaho Territory, to be diverted from its natural channel, at this notice, and be conveyed by ditch and flume to point of discharge about 1/2 mile in a southerly direction. Hereby reserving the right to change said point of diversion, and discharge. Should change be decreed more advantageous for the uses and purposes hereafter named, to be used for agricultural and mining purposes.

Located this 3rd day of February, 1888 - Filed for Record, February 3, 1888

Both Lower and Upper Waddington Ditches flow southerly for about 1/2 mile to the present location of the Malad Estates Subdivision. However, Luther Jacob's land appears to have been primarily to the west of the springs.

3. Contract between John Waddington, party of the first part and William H. Slater, party of the second part. Dated May 9, 1907.

In consideration of compromising an injunction suit filed in Lincoln County, Idaho, the parties hereto have agreed as to the interest each of them shall have in and to the waters of a certain irrigating ditch carrying the waters of Stoddard Spring to the first party's ranch in Section 27, Township 6 S, Range 13E, B.M. which agreement is as follows:

First party has this day executed and delivered to second party a deed to seven and one-half inches of the waters of said ditch. It is understood and agreed between the parties hereto that said seven and one-half inches is all the waters of said ditch that the second party has any right or claim to.

Without knowing the location of the Slater property, it cannot be determined if the ditch in question is the Upper or Lower Waddington Ditch.

4. Beaver River Power Company v. Ida Bell Waddington Frost, John Doe Frost, her husband, John William Waddington, a minor, and Andrew Jackson Waddington, a minor. Judgment dated July 18, 1912.

Describes the power company obtaining the right of way to place two power poles on the defendants' property in the Southwest quarter of the Southeast quarter of Section 27, Township 6 South, Range 13 East, B.M.

This indicates that Ida B. Frost (see the Upper Waddington Ditch Decree) was probably an heir of John Waddington.

5. Upper Waddington Ditch Decree - F.O. Frost and Ida B. Frost, husband and wife, Florencio Uriaguereca and Antonia Uriaguereca, husband and wife v. A. Penfold and Bert Herbert. Judgment dated June 22, 1925

Court ruled that the plaintiffs have the sole and exclusive possession and control of the Upper Waddington Ditch and the Upper Waddington Spring situated on defendant Penfold's property. The decree also provides legal descriptions for the Penfold property, the Frost property and the Uriaguereca property.

I have mapped the various properties in ArcView. It does appear that the John Waddington Posted Notice includes the land where the Malad Estates Subdivision is located. (See attached)