

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, October 14, 2009 7:57 AM
To: 'Stanish, David'
Subject: RE: 67-04450 - Questions re: Amended Director's Report

Hey David,

(1) Absent the inclusion of the remark, is there another way that we could memorialize the understanding that fish stocking for recreational purposes is acceptable under this purpose of use (e.g., note in water right file)?

Perhaps adding a condition that states the place of use is known as the Weiser Bass Pond would remove any uncertainty as to whether or not fish are allowed in the pond.

(2) Does fish stocking for recreational purposes under a "recreation storage" purpose of use allow for raising fish to be transplanted to other ponds for public, non-commercial recreational fishing?

I know of nothing that would prevent them from stocking fish in the pond or removing fish from the pond.

If IDFG feels your suggested remark, or one similar to it is necessary, I would be agreeable to adding it to the recommendation. All I was saying is that I think, by statute, that IDFG already has the authority to stock fish. These two statutes seem to give Fish and Game complete authority over fish and fishing:

<http://www.legislature.idaho.gov/idstat/Title36/T36CH1SECT36-103.htm>

<http://www.legislature.idaho.gov/idstat/Title36/T36CH9SECT36-901.htm>

In addition, the fact that recreation use would include fish stocking, adding the remark simply didn't seem necessary.

But adding the remark isn't going to hurt anything so if IDFG needs to object, then let's make sure to identify the desire for the added remark on the objection and we can work together and get an acceptable remark added to the recommendation that will satisfy IDFG's needs.

Thanks,
c

From: Stanish, David [mailto:david.stanish@ag.idaho.gov]
Sent: Tuesday, October 13, 2009 3:34 PM
To: Saxton, Craig
Subject: 67-04450 - Questions re: Amended Director's Report

This communication and its attachments are confidential and/or privileged. If you have received this communication in error, please immediately read the "NOTICE" appended below.

Craig:

Your explanation of the place of use and point of diversion description answered my questions regarding those issues.

As for my request that the description include a remark recognizing recreational fish stocking (e.g., "The purpose of use for this right includes, but is not limited to, fish stocking for recreational purposes."), I have two follow-up questions:

(1) Absent the inclusion of the remark, is there another way that we could memorialize the understanding that fish stocking for recreational purposes is acceptable under this purpose of use (e.g., note in water right file)?

(2) Does fish stocking for recreational purposes under a "recreation storage" purpose of use allow for raising fish to be transplanted to other ponds for public, non-commercial recreational fishing?

Sincerely,

David I. Stanish
Deputy Attorney General

Natural Resources Division
Office of Attorney General
700 West State Street
Joe R. Williams Building, Second Floor
P.O. Box 83720
Boise, Idaho 83720

Phone: (208) 334-4549
Facsimile: (208) 854-8072
Email: david.stanish@ag.idaho.gov

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09/25/2009

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

RIGHT NUMBER: 67-4450

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 12.000 AFY

PRIORITY DATE: 01/06/1950

POINT OF DIVERSION:

T11N R06W S35 NENE Lot 1 Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	12.00 AFY

PLACE OF USE: RECREATION STORAGE in WASHINGTON County

T11N R06W S35 Lot 1 NENE T11N R06W S35 Lot 2 NWNE

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

Point of diversion located at dam face on south side of recreation pond.

Place of use falls within Snake River accretion lands.

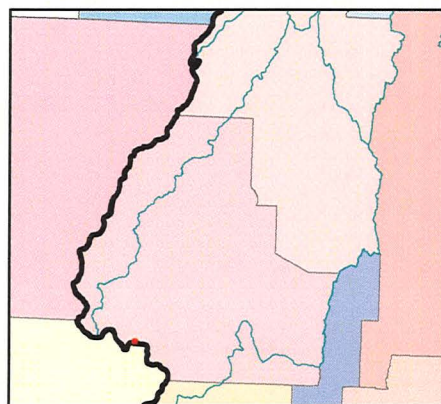


Idaho Department of Water Resources

Adjudication Recommendation
67-4450
(RECREATION STORAGE)

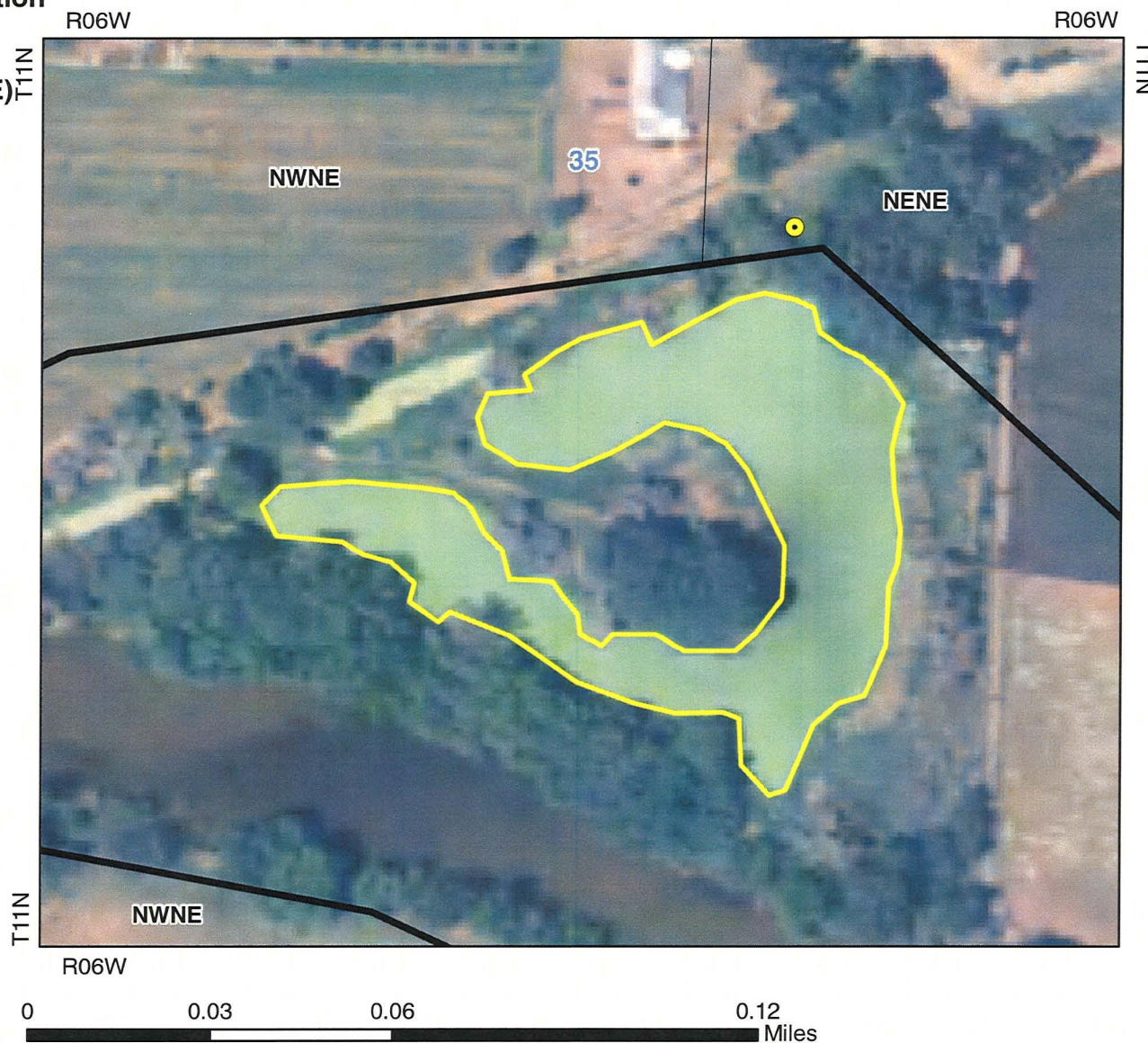
Legend

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



Washington County
IDWR Basin 67

Prepared by Craig Saxton
On September 25, 2009
2004 Aerial Photography



Saxton, Craig

From: Stanish, David [david.stanish@ag.idaho.gov]
Sent: Wednesday, April 22, 2009 1:51 PM
To: Saxton, Craig
Subject: 67-04450 - FW: Questions regarding the Weiser bass ponds

This communication and its attachments are confidential and/or privileged. If you have received this communication in error, please immediately read the "NOTICE" appended below.

Thanks for your help Craig.

I think we are on the same page.

Sincerely,

David I. Stanish
Deputy Attorney General

Natural Resources Division
Office of Attorney General
700 West State Street
Joe R. Williams Building, Second Floor
P.O. Box 83720
Boise, Idaho 83720

Phone: (208) 334-4549
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-----Original Message-----

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Wednesday, April 22, 2009 1:42 PM
To: Stanish, David
Subject: RE: 67-04450 - FW: Questions regarding the Weiser bass ponds

Hey David,

Well I don't see much support for fish propagation, but it sounds like a recreational use would be what to pursue since there has been some recent activity. It sounds like the pond is accessible by the public based on Jerry's last paragraph. Who is to say how long the public has been using it for recreational use. The fact is that there is a big gap between 1964 which I think is our last evidence of fish propagation and 2005 when it was used for recreational activity. With that said, generally IDWR doesn't seek forfeiture. I don't feel comfortable making the determination right now that if 67-4450 is a valid water right or not. What I would say that there is a lot more evidence available that 67-4450 claims a valid water right than when it was originally disallowed.

If the partial decree is overturned, I would think you would want to amend the claim to claim recreational use.

7/21/2009

I hope that helps at least to some extent.

Craig

From: Stanish, David [mailto:david.stanish@ag.idaho.gov]
Sent: Wednesday, April 22, 2009 1:11 PM
To: Saxton, Craig
Subject: 67-04450 - FW: Questions regarding the Weiser bass ponds

This communication and its attachments are confidential and/or privileged. If you have received this communication in error, please immediately read the "NOTICE" appended below.

Hi Craig:

Below you will find IDFG's preliminary answers to the following questions:

- (1) Is this a man made pond? What type of construction was involved with its creation, if any? Digging to capture the seap water?
- (2) Is there a defined point of diversion, or is it all seap water?
- (3) Does IDFG have to maintain the ponds in any way? To keep the water at a certain level?
- (4) Describe the uses that have taken place at the pond since it was constructed? Any non-fish rearing uses?
- (5) Did IDFG have any non-fish rearing uses in mind when they initially constructed the ponds? If so, any evidence of such intent?
- (6) What has IDFG done to further or to support any non-fish rearing uses at the ponds since they were initially constructed? Again, any evidence of such support?

Sincerely,

David I. Stanish
Deputy Attorney General

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Office of Attorney General
700 West State Street
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-----Original Message-----

From: Poole,Walt [mailto:walt.poole@idfg.idaho.gov]
Sent: Friday, April 03, 2009 3:37 PM
To: Stanish, David
Subject: Weiser bass ponds

Hi David;

I have inserted the response to the questions concerning Weiser Bass Ponds that I just received from Jerry Deal in this e-mail. He indicates that he wants to try and keep the pond. Any ideas?

Walt

Walt,

I haven't talked more on this topic with Jeff Dillon, but here are some of the answers to your questions:

(1) This is a man-made pond. The 1947 department survey of the property refers to rearing ponds already in place at that time, when the land was still owned by Dewey Lee. The ponds were excavated and diked in an area between the existing bank of the Snake River and the meander line identified on the GLO survey. Spoils piles are evident in the area now, and have mature trees growing on them. This information is found in the department land files under ACNO 44-0772.

(2) Multiple springs/seeps provide the water source. These are also noted on the 1947 survey map. No diversion structures are present.

(3) There is a water control structure that drains the pond to the Snake River. I don't know what level the pond would adjust to without the structure, but it appears there would still be some water held. The map shows an "old pond" and "old dam" and 12" pipe drain as well as a spillway. This implies to me that water was held in the area before the excavation was done. No actual maintenance has been done in recent memory.

(4) Fish rearing, initially bass, was the primary use of the pond prior to and throughout its early department ownership. It was then used as a stocked fishing pond for recreational fishing. It provides wildlife based recreational viewing opportunity as well. It has not ever been used for domestic potable water, stockwater, or irrigation.

(5) As noted in the response to question (1), the ponds were probably acquired while already in use for fish rearing, and that appears to be the reason for acquisition. The ponds could be used for this purpose again if that program is reinstituted.

(6) Beginning in 2005 and continuing sporadically for about two years, department staff worked in a collaborative effort with the local community to restore the use of the pond as a recreational fishery. Much cleanup and access improvement was accomplished, but the group dissipated when local interests became less involved. I could probably track down some correspondence in that effort, but do not have it at hand right now. Other than that, our work has

been custodial and public use has been nonconsumptive enjoyment of the pond as it exists.

This is no legal basis for water right, but there is evidence that some local kids at least get to enjoy the pond as a place of discovery and being outdoors. Please let me know what I can do to help keep this resource in department management. Thanks. JERRY

Walton C. Poole, Ph.D
Staff Biologist
Director's Office
Idaho Department of Fish and Game
P.O. Box 25
600 S. Walnut St.
Boise, ID 83707
(208) 287-2714 office
(208) 334-2114 fax
wpool@idfg.idaho.gov

Saxton, Craig

From: Stanish, David [david.stanish@ag.idaho.gov]
Sent: Thursday, April 02, 2009 4:04 PM
To: Saxton, Craig
Subject: 67-04450 - re: Weiser Bass Ponds documents

This communication and its attachments are confidential and/or privileged. If you have received this communication in error, please immediately read the "NOTICE" appended below.

Craig,

I believe that at some point IDFG may have stopped stocking the ponds, maintaining them instead for wildlife (i.e., hunting, bird viewing) purposes. If I am correct in my belief, would it be possible for them to pursue an accomplished transfer of the claimed purpose to wildlife purposes?

Sincerely,

David I. Stanish
Deputy Attorney General

Natural Resources Division
Office of Attorney General
700 West State Street
Joe R. Williams Building, Second Floor
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-----Original Message-----

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Thursday, April 02, 2009 3:55 PM
To: Stanish, David
Subject: RE: 67-04450 - Weiser Bass Ponds documents

David,

I think that is good evidence of priority and historical use. GIS shows the POND to be 2.1 acres so it would only have to average 6 feet deep to store the 12 AF claimed. There are notes in the file from Jennifer Dean showing the estimation of the pond being 17.7 AF. Her notes on the bottom of one of her e-mails state she spoke with Walk Pool and his staff was going to get an estimate of the pond size. I assume that is where she got the numbers she used to calculate the 17.7 AF. Note that you now have all the information that was in the file other than the claim.

My only other question would be how long has it been since they have used the ponds for fish propagation. It looks like 1964 is the latest evidence of use.

IDFG filed the SRBA claim on 6-19-1990. That stops the forfeiture clock. If we go back 5 years from that we get 1985. I would need verification that the pond was used for Fish Propagation sometime after 1985.

Let me know if you have other questions.

Craig

-----Original Message-----

From: Stanish, David [mailto:david.stanish@ag.idaho.gov]
Sent: Thursday, April 02, 2009 3:23 PM
To: Saxton, Craig
Subject: 67-04450 - Weiser Bass Ponds documents

This communication and its attachments are confidential and/or privileged. If you have received this communication in error, please immediately read the "NOTICE" appended below.

Craig,

Here are the stocking records and map that I have received from IDFG related to the Weiser Bass Ponds. If you could take a look and let me know what else IDFG may need, if anything, to support its claim, I would appreciate it. Thanks.

Sincerely,

David I. Stanish
Deputy Attorney General

Natural Resources Division
Office of Attorney General
700 West State Street
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P.O. Box 83720
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NP/NE

35

11N06W

NENE

2.1

NP/NE

35 11N06W



1939 PRODUCTION OF REARING PONDS**Crystal Creek Rearing Ponds**

(Operated by State Fish and Game Department).

FISH PLANTED**FISH AT STATION**

December 10, 1939

Cutthroat	136,925	Rainbow	14,000	2-3"
Eastern Brook ...	51,000	Cutthroat	135,000	2-3"
		Eastern Brook	3,000	5-9"
	187,925	Eastern Brook	40,000	3-4"

Idaho Falls Rearing Ponds

(Operated by Bonneville Fish and Game Association).

Rainbow	143,550	Rainbow	20,000	4-5"
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Lava Hot Springs Rearing Ponds

(Operated by Portneuf Valley Sportsmen's Association).

Rainbow	194,000	No Fish in Rearing ponds at present.		
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Marsing Rearing Ponds

(Operated by Marsing Rod and Gun Club).

Rainbow	10,000
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Redfish Rearing Ponds—Stanley

(Operated by State Fish and Game Department).

Rainbow	60,000
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Ruby Creek Rearing Ponds

(Operated by State Fish and Game Department).

Rainbow	165,000
Cutthroat	217,585
Eastern Brook ...	168,600
	551,185

Weiser Rearing Ponds

(Operated by Washington County Rod and Gun Club).

Rainbow	15,000
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Grace Rearing Ponds

(Operated by Gem Valley Rod and Gun Club).

Rainbow	15,000
---------------	--------

REARING POND PRODUCTIONS—1942**Caldwell**

Rainbow, 1"-1½" 42,000

Glenns Ferry

Rainbow, 1½" 50,000

Idaho Falls

Rainbow, 3" 5,000

St. Anthony

Cutthroat, fry 31,803

Teton River

Cutthroat, fry 44,000

Marsing

Rainbow, 2"-3" 25,000

Weiser Ponds

Rainbow, 2"-3" 26,400

(Note: Rearing pond production included in the production of hatcheries from which these fish were transferred.)

The above ponds were built and maintained by local sportsmen's organizations.

DISTRICT III

C.J. Strike Bass Ponds	Fed. Aid Lands		2,527.23
Eagle Hatchery	32.10	2,250.00	150,996.01
McCall Hatchery	15.11	Gift	45,700.76
Weiser Rearing Ponds (Dewey Lee)	11.16	1,800.00	
Bear Valley Patrol Cabin	F.S. Land		4,129.19
Bennett C.O. Site	2.07	155.00	
Featherville C.O. Site	.23	585.00	1,000.00
Garden Valley C.O. Site	3.85	500.00	10,000.00
Lowman C.O. Site	19.79	600.00	2,500.00
Shaifer Butte Radio Station (Bldg.)	F.S. Land		922.03

COUNTY	DATE	YEAR	WATER	CATNO	SPECIES	NUMBER	SIZE (inches)	POUNDS	ASSOCIATIO	HATCHERY
	11/1	1932	WEISER REARING PD		BK	15000	2-6	0.00	WEISER ROD & GUN CLUB	EVERGREEN
	6/8	1939	WEISER R POND		R1	7500		0.00	HARRY J PEPPER	EAGLE
	6/9	1939	WEISER R POND		R1	7500		0.00	HARRY J PEPPER	EAGLE
Washington	11/12	1957	DEWEY LEE POND		LB	512	4-5	16.50		EAGLE (S)
Washington	6/29	1962	SNAKE R (WEISER BASS PONDS)	IVB	LB	40000	0-3	0.00		EAGLE
Washington	4/8	1963	SNAKE R (WEISER BASS PONDS)	IVB	LB	10000	4-8	200.00		EAGLE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4450 V1

WATER RIGHT NUMBER: 67-4450 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700

Priority Date: 01/06/1950

Basis: Beneficial Use

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION STORAGE	1/01 to 12/31		12.00 AF
	<u>Total Diversion:</u>		12.00 AF

Location of Point(s) of Diversion

SPRINGS	NW1/4NE1/4	Sec. 35, Twp 11N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

FISH PROPAGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	06W	35		X															

Conditions of Approval:

1. P01 No lawful appropriation shown.
2. P11 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4450 V1

Comments:

1. jdean 11/16/2006 Disallowed
Comment: Evidence of Priority requested 10/2/06. No EOP received. Disallowed.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			11/16/2006	jdean	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	11/13/2006 2:13:33 PM	cfritsch	Bulk Copy
Summary	11/16/2006 3:16:44 PM	jdean	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

11/16/2006

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

RIGHT NUMBER: 67-4450

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE:

TRIBUTARY:

QUANTITY:

PRIORITY DATE:

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE: FISH PROPAGATION STORAGE in WASHINGTON County

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.

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, January 25, 2007 10:35 AM
To: Walt Pool (E-mail)
Subject: SRBA Recommendation 67-4450

Good Morning Walt,

I looked through file 67-4450 and did find notes that you discussed the size of the pond with Jennifer Dean on 10/5/06, but there wasn't any other supporting documentation in the file. I think if you gathered up the documents you spoke about on the phone, that they hopefully should support the size of the storage of the pond as well as the priority date.

The supporting documentation will have to be supplied with the objection, but if you send me a copy to review, I can let you know if it is sufficient to change the recommendation.

Let me know if you have any questions.

Thanks,

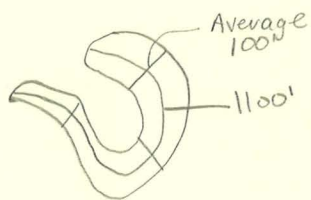
Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
208-287-4916
craig.saxton@idwr.idaho.gov

10/5/06

Estimation of Poi

67-4450

Reviewed by: Jennifer Dean



$$\begin{aligned} 1100 \times 100 \times 7 \\ = 770000 \text{ ft}^3 \\ = 17.7 \text{ acre-ft} \end{aligned}$$

Dean, Jennifer

From: Dean, Jennifer
Sent: Monday, October 02, 2006 8:40 AM
To: Cindy Robertson (E-mail)
Subject: SRBA Claim 67-4450

Dear Ms. Robertson,

I am writing you with regards to SRBA Claim 67-4450. In my review of this claim I have discovered that the department will need evidence from Fish and Game to support the claimed priority date of January 6, 1950. This claim is for fish propagation storage in T11N, R06W, S35 NWNE. Could you please provide evidence for this claim by October 16, 2006? This will give us the time we need to make a recommendation of this right prior to preparing a preliminary report. If no evidence is received, we may disallow this claim.

Thank you for your help in this matter. If I have contacted you by mistake and there is someone else at Fish and Game who would be better able to provide the information that we need, please let me know how I might contact him or her. If you need any additional information, don't hesitate to contact me. Thank you again for your help.

Sincerely,
Jennifer Dean

Jennifer Dean
Engineer in Training
Idaho Dept. of Water Resources
322 E. Front Street
PO BOX 83720
Boise, ID 83720
(208) 287-4918

Called and left message with Walt Poole to get in touch about pond size information. *JP* 10/2/06 3:50 pm
Walt Poole called Tuesday 8:15 am. Wednesday 3:45 pm to return my call
called and left message 8:30 am Thursday
spoke with Walt Poole. His staff will work on an estimate of the pond. 10:00 am Thursday 10/5/06 *JP*.

Saxton, Craig

From: Saxton, Craig
Sent: Monday, January 23, 2006 1:35 PM
To: 'croberts@idfg.state.id.us'
Subject: Snake River Basin Adjudication Claim 67-4450

Hello Cindy,

I am an Adjudication agent with IDWR reviewing claims in Basin 67. I ran across claim 67-4450 and had some questions. I asked around the office and Carter Fritschle gave me your e-mail and said you might be the person to talk to. If not, could you tell me how I do need to speak with?

The first thing with 67-4450 is we need evidence of priority supporting the priority date claimed of Jan 6, 1950. Secondly, there isn't a map in the file so I am not really sure where the storage pond is. I just need to talk to someone about those sort of things.

Could you contact me regarding this? I would appreciate it.

Thanks,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
(208) 287-4916
craig.saxton@idwr.idaho.gov



67-4450 SRBA
claim.doc

Saxton, Craig

From: Fritschle, Carter
Sent: Monday, January 23, 2006 1:07 PM
To: Saxton, Craig; Clelland, Steve; Shaff, Don
Subject: RE: Fish and Game

Craig,

Cindy Robertson seems to be the primary contact when it comes to their water rights. The email address I have for her is croberts@idfg.state.id.us.

Carter

-----Original Message-----

From: Saxton, Craig
Sent: Monday, January 23, 2006 1:02 PM
To: Fritschle, Carter; Clelland, Steve; Shaff, Don
Subject: Fish and Game

Do any of you have an active contact for Fish and Game claims?

If not, no worries, I will track someone down.

Craig

RECEIVED

SEP 22 2009

DEPARTMENT OF
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)

**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 67-04450

Date Received: _____

Receipt No: _____

Received By: JSR**AMENDED
NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) State of Idaho, Dept. of Fish & Game Phone (208) 334-3700Mailing Address P.O. Box 25 Boise ID ZIP 83707
Street or Box City State2. Date of Priority (Only one (1) per claim) Jan. 6, 1950
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Springs
which is tributary to (b) Sinks4. a. Location of Point of Diversion is: Township 11N, Range 06W, Section 35,
NW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Washington

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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. See Attachment I - Survey of Weiser Bass Pond

SCANNED

SEP 23 2009

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Recreation Storage purposes from 01-01 to 12-31 amount or 12.00

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) (cfs) and/or (b) 12.00 (acre feet)

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

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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	06W	35		R															

Parcel (PIN) no(s).

Total number of acres irrigated

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

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:

Last Name Identification No.

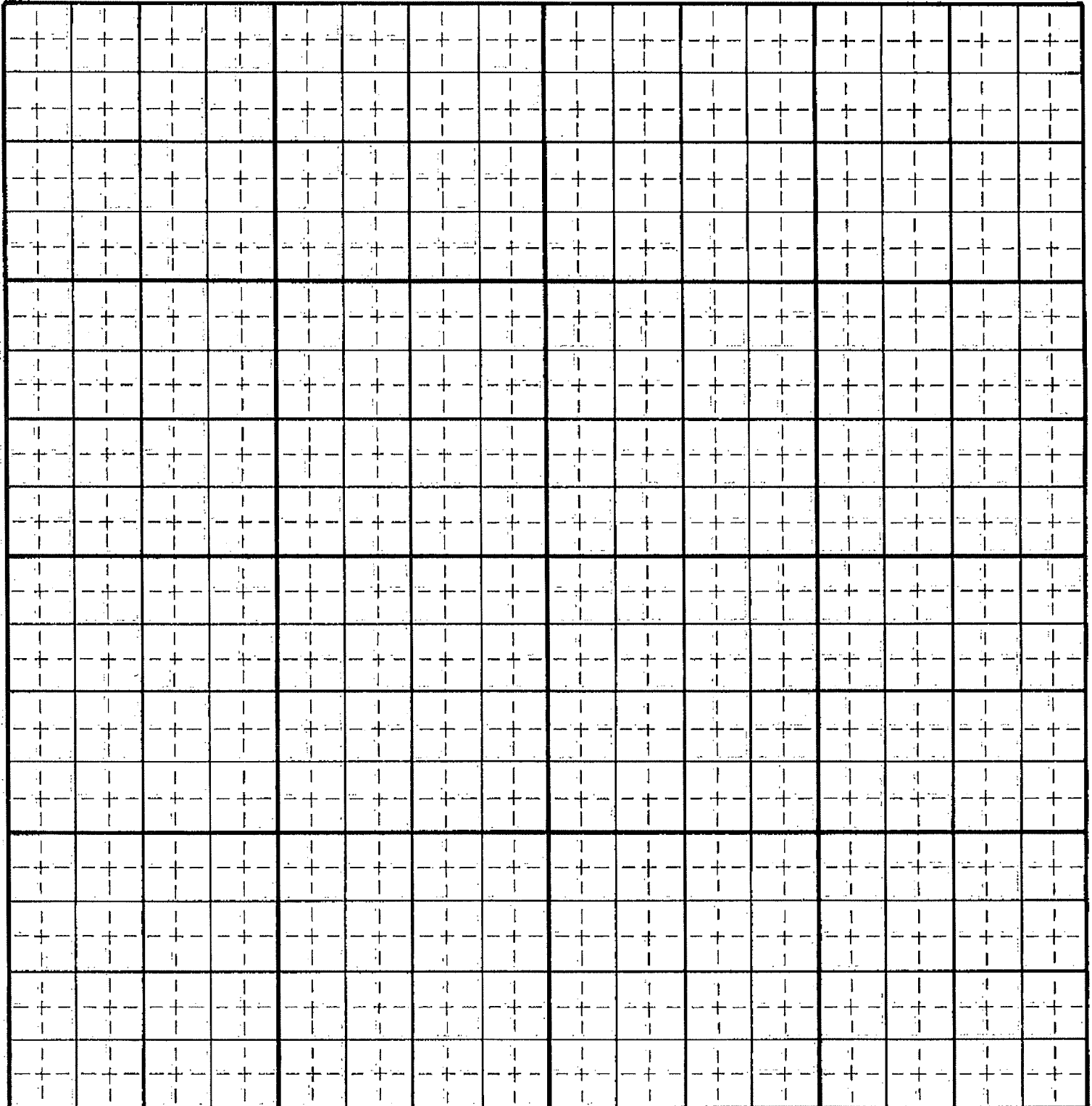
SCANNED

SEP 23 2009

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

See Survey Attached.

Scale: 2 Inches equals 1 mile



Last Name _____ Identification No. _____

SCANNED

SEP 23 2009

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 _____

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 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: 67-04450

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

Deputy Attorney General of Idaho Dept. of Fish & Game,
Title Organization

that I have signed the foregoing document in the space below as

Deputy Attorney General of Idaho Dept. of Fish & Game,
Title Organization

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

Signature of Authorized Agent [Signature] Date 9/22/09

Title and Organization Deputy Attorney General, Idaho Dept. of Fish & Game

16. Notice of Appearance:

Notice is hereby given that I, David I. Stanish, will be acting as attorney at law of 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 [Signature] Date 9/22/09

Address Natural Resources Division, Office of Attorney General

P.O. Box 83720, Boise, ID 83720

Last Name _____ Identification No. _____

SCANNED

SEP 23 2009

Attachment I

Survey of Weiser Bass Pond

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: A67-04450
Date Received: 6/19/1990
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: JAN 06, 1950

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	35	NW	NE			WASHINGTON

5. Description of diverting works:
RES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROP. STORAGE	01/01	12/31			12.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 12.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	35	NW	NE		FIS S	

11. Place of use in counties: WASHINGTON

A67-04450

Page 1

Date: 07/06/90

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OCT 02 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

\$ 50.17

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: A67-04450
Date Received: 6-19-90
Receipt No: 7017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83720
07

2. Date of Priority: JAN 06, 1950

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	06W	35	NW	NE			WASHINGTON

5. Description of diverting works:
RES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROP. STORAGE	01/01	12/31			12.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 12.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	35	NW	NE		FIS S	

11. Place of use in counties: WASHINGTON

A67-04450

Page 1

Date: 02/14/89

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4/5/1989

FIRBA CLAIMS RECEIVING CHECKLIST "2"

CLAIMANT'S NAME	<u>ID F36</u>	CLAIM IDENT. NO.	<u>A67-04450</u>
DATE RECEIVED	<u>6-19-90</u>	CK #	<u>TD17340</u>
		AMOUNT \$	<u>50.17</u>

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	None
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: rat Date: 7-5-90Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by:	_____	Date:	_____	Checked by:	<u>rat</u>	Date:	<u>7-6</u>
Claim data entered by:	<u>rat</u>	Date:	_____				
Sent to claimant by:	_____	Date:	_____				

Comments: _____

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