

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Idaho Dept Wrong address cost me
water Res \$900 update
Barre ID 83706

2. Article Number

(Transfer from service label)

7007 0220 0004 4974 5825

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

KEVIN MADSEN
for Chester Madsen
2073 N. Gale Na Rd
Council, ID 83612

Chester Madsen
6-4-07

RECEIVED

143

JUN - 1 2007

Form 42-1409(10)-1 (Internet)
8/91

Date Received _____

DEPARTMENT OF
WATER RESOURCES
State of Idaho

Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

certified mail

7007 0220 0004
~~4974 5825~~
5627

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Chester Madseu (208) 253 4815
Name of Claimant Phone Number

2073 N Galena Rd Council ID 83612
Mailing Address City State Zip

Adams Not known
County(s) where place of use is located Date claim originally due

Mill Creek water and East fork of Weiser River
Identify water right(s) for which extension is requested

see also attached letter
State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

I went to hospital Sept 2005 and then
to Weiser Care center on Sept 16, 2005
I do to medical reasons need an
extension to get informed and
develop and file claims.

Claimant requests an extension to August 22 19 07 2007
Chester Madseu May 22 19 2007
Signature Date of request

owner of SW 1/4 NE 1/4 Sec 10 T40R1W
Boise Meridian
Title

I was born 3/22/21
so need more time to process
paperwork

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [_____ granted] [_____ denied] for the following reasons:

and if granted the filing deadline is extended to _____, 19 _____

Signed this _____ day of _____, 19 _____

Snake River Water Adjudication
wrong address 5/29/07

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Director or his designated agent

Witnessed by Kevin G. Madseu 5/29/07

Chester Madsen
2073 N. Galena Road
Council, ID 83612
Message phone: (208) 253-4815

certified mail

7007 0220 0004 4974 5825
5627

Idaho Department of Water Resources
The Idaho Water Center
Attn. East Fork of Weiser River and Mill Creek ditch Adjudication (Snake River Water)
322. E. Front Street
Boise, Idaho 83720-0098

May 22, 2007

I hereby request that the adjudication of East fork of the Weiser River (East fork) and Mill Creek (Mill creek) ditch water rights be reviewed. Based on the grounds that testimony and legal evidence that should have been considered was excluded, including but not limited to testimony of the Madsen family, relatives, and living renters and owners of lands serviced historically by East fork, Mill creek, Cotton Wood and other ditches and waters of this area. Furthermore that setting any date as a "cutoff" date, including but not limited to 1961, is arbitrary and capricious.

A hydrological study should be conducted to correct the adjudication of East fork and Mill, cottonwood ditch water and to ascertain if a "take" has occurred, is occurring, or is in the planning stage of occurring regarding water/wetlands on the tract comprising the SW1/4NE1/4 Sec. 10, Township 16 North, Range 1 West of the Boise Meridian, here after referred to as this tract/said tract.

It is argued that this tract was and naturally is in the service area of but not limited to the East fork of Weiser River, Cottonwood, Grossen, and Mill creek water (ditches). Historically and currently these waters "service" this tract. Waste water and sub irrigation has been a valued contribution forage production and wetland values of said tract. Furthermore, this tract has deeded Cottonwood water (18 inches) and had deeded Mill Creek water (7.5 inches adjudicated in 1906) – see enclosed deed (Book #F 559). Not including this tract in the service area of east fork and mill creek water constitutes a take of water rights and wetlands historically watered by surface and subsurface follows from the time of ditch original constructed prior to 1906. Evidence of Mill Creek water diversion onto this property are present and located approximately about 156 feet west or the NE corner of said tract, approximately the current location of a chicken house moved from Shorty Childers place onto my property (I dragged it there in the late 1960s – Kevin Madsen witnessed this).

East fork water, Mill creek water, Grossen creek, and Cottonwood water co-mingled on this property and were used by me, Chester Madsen, to water this tract. Furthermore, ditch and other water from "upstream" areas cannot be naturally excluded from SW1/4NE1/4 Sec. 10, Township 16 North, and Range 1 West of the Boise Meridian due to surface and subsurface flows. Therefore, impounding, diversion (by pumping, converting from unimproved ditch to, but not limited to, pipe and or improved cement or plastic coated ditch, tilling, etc) of surface and subsurface water "upstream" of said tract results in a take of water, surface and/or subsurface, from this tract and a take of historical wetlands. Ditch water has been a major factor to the value of this tract since the early 1900s taking away or drying up surface or subsurface flows is a take.

Sincerely

Chester Madsen

Witnessed by Kevin A. Madsen 5/22/07

Instrument No. 16335

343 Certified Mail 70070220 00044974 559
DEED RECORD

559 Book No. F
5627

This Indenture, made this first day of September in the year of our Lord One Thousand Nine Hundred and Ten, between Alexander Kesler unmarried of Council, County of Washington State of Idaho, the party of the first part, and R. M. Gibson of Council, County of Washington, State of Idaho the party of the second part.

Witnesseth, That the said party of the first part for and in consideration of the sum of Four Thousand Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in Washington County State of Idaho to wit:

Commencing at the north east corner of the South West Quarter of the North East Quarter of Section Ten, Township Sixteen, North, Range One West B. M. running thence west on a straight line to the east line of the Pacific & Idaho Northern Railway right of way, thence in a southeasterly direction along said line of railway to a point twenty feet north of the south line of above described Quarter, thence east on a straight line to the east line of said Quarter, thence north to the place of beginning, except one acre located along the south line to be donated and deeded for cemetery purposes, containing twenty eight acres more or less, together with all waters, water rights, ditches, dams, flumes and irrigating works of whatever nature used upon, belonging to or in anywise appertaining to said lands, including seven and one half inches of water of the Mill Creek adjudication for use of said lands, by Decree of the District Court of the Third Judicial District of the State of Idaho in and for the County of Washington on or about June 1906.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said party of the first part.

To Have and to Hold all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part and his heirs the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part and his heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered

Alexander Kesler (Seal)

In the presence of

J. A. Carr

State of Idaho }
County of Washington } ss

On this first day of September in the year 1910 before me J. A. Carr a Notary Public on and for said County, personally appeared Alexander Kesler unmarried known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Seal
(J. A. Carr Notary Public)
(Washington County Idaho)

J. A. Carr

Notary Public

Filed for record at request of Carr & Freehafer at 9, o'clock A. M. September 29, 1910.

Frank E. Smith

Recorder

By Harriet Smith

Deputy

Fees \$1.40

(Deeds 28 - 283)

ADAMS COUNTY ABSTRACT CO.
COUNCIL, IDAHO

State of Idaho:

SS

County of Adams:

I, L. I. Burtenshaw, being first duly sworn on my oath doth depose and say, that I reside at Council Adams County Idaho, and have so resided there for more than twenty-five years last past, and that I was well acquainted with Alexander Kesler deceased, in his lifetime, and am likewise acquainted with Jennie Harp, otherwise written as Janie Harp, written Jennie Harp, at No. 7 of the annexed abstract of title and as Janie Harp at No. 8 of the said abstract, and that to my certain and positive knowledge, that Jennie Harp as set forth at No. 7 thereof, and Janie Harp set forth at No. 8 thereof, are one and the same person,

Also, I am well acquainted with Rebecca Kesler set forth at No. 9 of the annexed Abstract, and written therein as Rebecca Kessler, and that to my certain and positive knowledge Rebecca Kesler, written and Rebecca Kessler signed are one and the same person, That said Jennie Harp, and sometimes written Janie Harp, and Rebecca Kesler, sometimes written Rebecca Kessler, were each daughters of the said Alexander

Kesler deceased:

and that Betty Dickerson and Elizabeth Dickerson are one and the same persons
L. I. Burtenshaw

Subscribed and Sworn to before me this 19th day of October 1927.

Matilda Moser
County Recorder of Adams County Idaho:

Alexander Kesler,
unmarried.

2. to
R. M. Gibson.

WARRANTY DEED.

Dated September 1st, 1910.
Ack'd September 1st, 1910.
Filed September 29, 1910.
Book F Deeds page 559.
Consideration \$4,000.00.

and confirm unto the party or the grant bargain, sell, convey
described real estate situated in Washington County, Idaho, to-wit:

Commencing at the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section Ten, Township Sixteen North of Range One West of the Boise Meridian, running thence West on a straight line to the East line of the Pacific & Idaho Northern Railway right of way, thence in a Southeasterly direction along said line of railway to a point twenty feet North of the South line of above described Quarter, thence East on a straight line to the East side of said Quarter, thence North to the place of beginning, except one acre located along the South line to be donated and deeded for cemetery purposes, containing 28 acres, more or less, together with all water, water rights, ditches, dams, flumes and irrigating works of whatever nature used upon, belonging to or in anywise appertaining to said lands, including seven and one half inches of water of the Mill Creek adjudication for use of said lands, by Decree of the District Court of the Third Judicial District of the State of Idaho, Washington County, on or about June 1906. Covenants of warranty.

One witness. Acknowledged by Alexander Kesler, unmarried,
before J. A. Carr, Notary Public, Washington County, Idaho. Notarial
Seal Affixed.

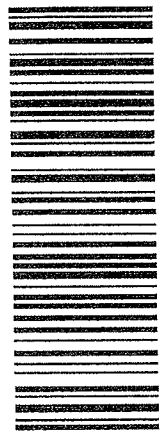
"Transcribed from Book 28 Deeds page 283 Washington County Records."

ReadyPost®

From: Chester Madsen
aka Kevin madsen

2073 N Galleria Rd
Cornell ID 83612

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS FOLD AT DOTTED LINE
CERTIFIED MAILTM



7007 0220 0004 4974 5627



0000

83720

RETURN RECEIPT
REQUESTED

To: Idaho Department Water Reso
Snake River Water Allocation
PO Box 83720
Boise ID 83720-0000

Saxton, Craig

From: Saxton, Craig
Sent: Monday, March 17, 2008 12:28 PM
To: Bromley, Chris; Ridgeway, Renea
Subject: Amended Recommendation 67-11491
Attachments: 67-11491 Amended REC (3-17-08).doc

Hey Chris and Renea,

67-11491 had an objection filed to it based on recommended acreage. We had to amend the claim in order to recommend more acres, and we did that. At the same time a late claim was filed for waste water 67-14877. We held off from sending the amended recommendation 67-11491 to the court because we wanted to do it around the same time that the late report containing 67-14877 was submitted.

We are planning on submitting the late DR report containing 67-14877 on Friday. So now would be a good time to submit the amended DR for 67-11491

Attached is the new recommendation for 67-11491.

Let me know what if anything I need to do.

Thanks,

Craig



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 4, 2008

KEVIN, UNICE AND CHESTER MADSEN
2073 N GALENA RD
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Preliminary recommendation for late claim 67-14877
Amended recommendation for 67-11491

Dear Madsen's:

I am enclosing recommendations for 67-11491 and 67-14877 for your review. I would like to address a couple of points for each recommendation below:

67-11491 is for Grossen Creek water. The updated recommendation reflects the a 23 acre irrigated place of use per the amended claim you submitted as a result of the objection you filed. In addition, I updated legal description describing the location of the point of diversion. It appears that the original legal description was in error. Lastly I added required conditions limiting this water right and late claim 67-14877 to one inch per acre when used in combination.

Please take a look at the updated recommendation and contact me to let me know what you think. If we both agree on the recommendation, then I can send you another information packet that will allow us to settle your objection before it goes to a hearing.

You can contact me at 208-287-4916, or it might be easier to e-mail me at craig.saxton@idwr.idaho.gov.

67-14877 is the late claim for waste water from Mill Creek/East Fork water. There are a couple of things that I recommended different than what you had claimed.

When I helped fill out the claim, I listed all the different purposes of use that appeared to be reflected in the information packet you originally submitted to the court when first filing your late claim. However, there were a couple of purposes of use claimed that I could not recommend.

Ground Water Recharge refers to intentional injection of water into the subsurface. Seepage from ditches and flood irrigation does not qualify as ground water recharge. An example would be Micron injecting Boise River water that has been cleaned to drinking

water quality, through an injection well, back into the aquifer. In the information packet you provided, I didn't see any information that would indicate any recharge other than that from seepage that occurs through leakage from ditches and saturating the ground through irrigation which would be the incidental result of using water for the other purposes claimed.

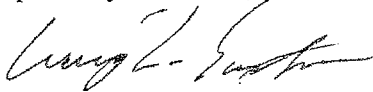
In order to recommend wildlife as a valid use, water must be diverted solely for the purpose of attracting and watering wildlife. Since water is diverted and stored for other uses, wildlife use is incidental to the other uses. An example of a valid wildlife use could be the pond at the MK Nature Center in Boise which was built to mimic a natural pond solely to attract wildlife.

Fish Propagation refers to the raising of fish for commercial or public purposes. In the packet provided, there is no information indicating that the fish production is for more than private use.

Please review the recommendation and contact me if you have any questions. Because this is a late claim, it will be reported to the court in March or April with the other late claims that have been filed.

I know this is a lot of information. If you have questions, feel free to contact me.

Respectfully submitted,



Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
craig.saxton@idwr.idaho.gov.

Enclosure(s) Amended Recommendation for 67-11491
Preliminary Recommendation for 67-14877

02/04/2008

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

RIGHT NUMBER: 67-11491

NAME AND ADDRESS: EUNICE MADSEN
2073 N GALENA RD
COUNCIL ID 83612

CHESTER LEO MADSEN
2073 N GALENA RD
COUNCIL ID 83612

SOURCE: GROSSEN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.360 CFS

Right Nos. 67-11491 and 67-14877 are limited to a total combined diversion rate of 0.46 cfs.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

~~T16N R01W S11 SENE Within ADAMS County~~
T16N R01W S11 SENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.360 CFS

PLACE OF USE: IRRIGATION in ADAMS County

<u>T16N R01W S10</u>	<u>SWNE</u>	<u>23.00</u>
~~T16N R01W S10~~	~~SWNE~~	~~18.00~~

23 ACRES TOTAL

Right Nos. 67-11491 and 67-14877 are limited to the irrigation of a combined total of 23.0 acres in a single irrigation season.

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



Idaho Department of Water Resources

SRBA Recommendation:

67-11491

(Irrigation)

Legend

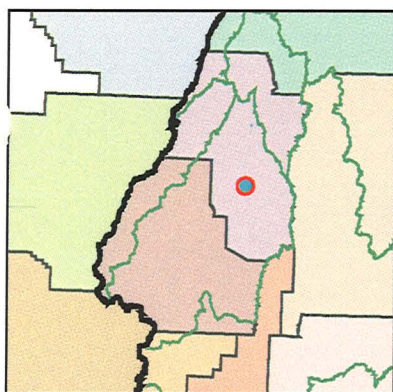
● Point of Diversion

□ Place of Use

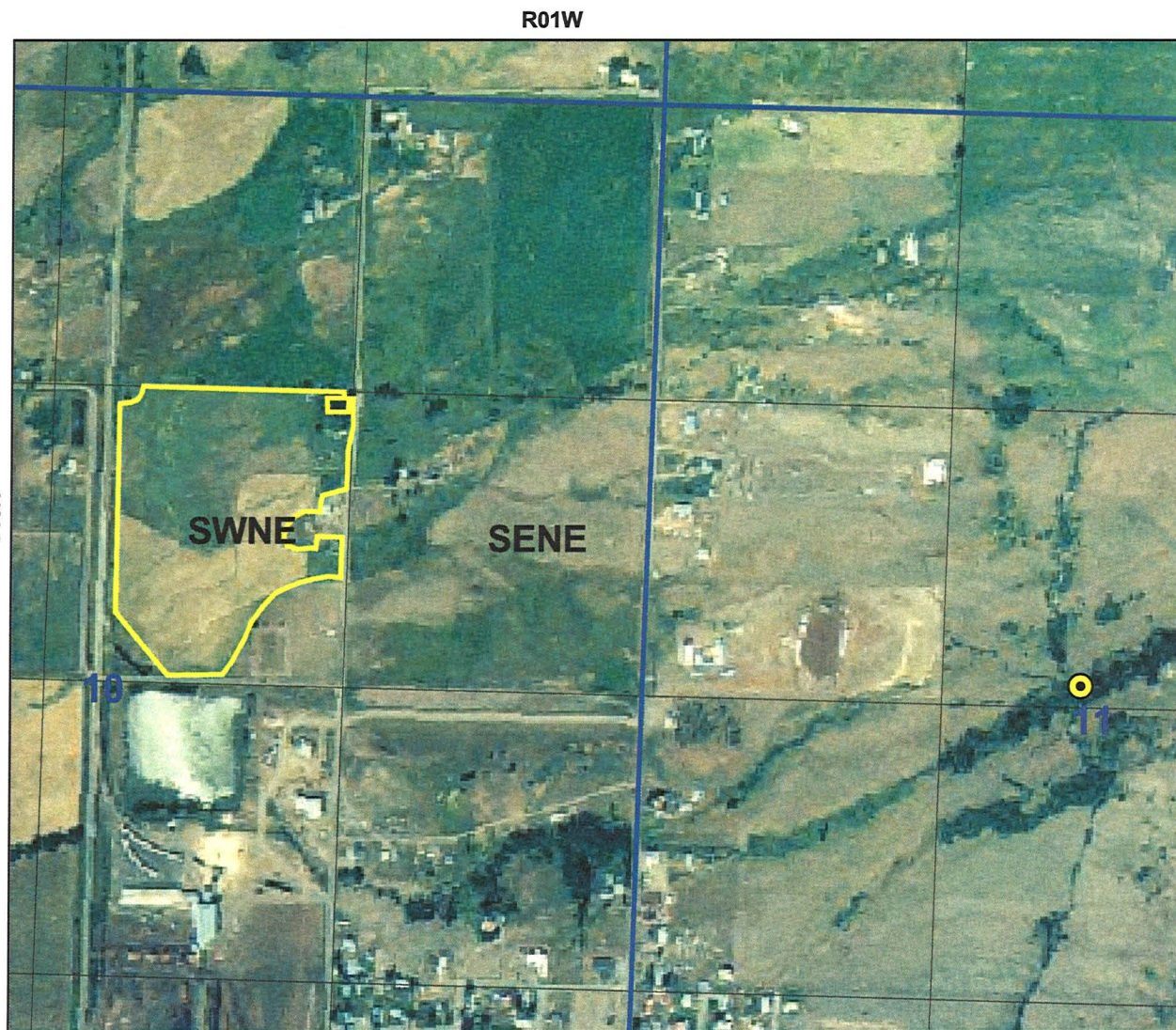
□ Townships

□ PLS Sections

□ Quarter Quarters



Adams County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by IDWR State Office
On Monday, February 4, 2008
1987/88 Aerial Photography

67-11491



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)

Case No. 39576)
_____)

A.

Subcase

67-1491

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Kevin Madsen for Chester Madsen

Address:

2073 N Galena Road

Council, ID 83612

Daytime Phone:

208 253 4815

Name & Address of Attorney, if any:

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

Name:

Chester Madsen / Father

Address:

2073 N Galena Road

Council ID 83612

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: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: About 23 acres versus 18 SW 1/4 NW 1/4 Sec. 10 T16N R1W
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 OBJECTIONS(S):** In 1987 and for over 25 years before that about 23 acres were irrigated instead of the listed 18 acres. Please look at enclosed map of irrigation area.

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on August 30, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Chester Madzer
Address: 2073 N. Balena Rd
Council ID 83812

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Signature of objector or attorney
mailing on Objector's behalf

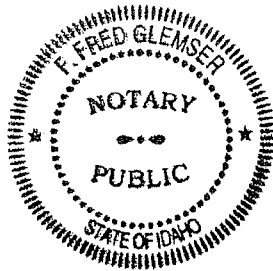
F.

VERIFICATION (must be completed)

State of IDAHO)
County of ADAMS) ss.

KEVIN A MADSON, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or 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.



Kevin A. Madson
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 30, 2007
F. Fred Glemser
Notary Public for IDAHO
Residing at: COUNCIL
My Commission Expires: 12-10-2010

Area irrigated in 1981 (actual since 1961)
Ditches

Madsen 67-11491

R01W

T16N



0 0.2 0.4 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

August 2, 2007

KEVIN ANDREW MADSEN
2073 N GALENA ROAD
COUNCIL ID 83612

RE: Objection for SRBA claim 67-11491

Dear Mr. Madsen:

Per your conversation with Sr. Water Resource Agent Monica Van Bussum on August 1, I am sending an objection form if you wish to object to the recommendation on the above-mentioned claim.

From your correspondence in the Motion to File Late Notice of Claim 67-14877, it appears you wish to object to three elements of the recommendation for 67-11491: Source, Season of Use and Place of Use.

IDWR can no longer make changes to a recommendation without working through the SRBA court by filing an objection. Upon review of the Source for 67-11491, we determined Sorenson-Rhinehart Ditch Company claims from Cottonwood Creek North Fork cover the Place of Use and, since you have been paying for shares, it appears Cottonwood Creek North Fork water is recommended to your property under claims 67-4099 and 67-11487 for Sorenson-Rhinehart Ditch Company.

Please indicate on the objection form what you determine the Season of Use and Place of Use should be for 67-11491. I have enclosed a map of your property. For our benefit, please outline the irrigated ground as it existed in 1987, draw in path(s) of any ditch(es) and include the map with your objection form.

If there are any other elements of the recommendation you wish to object to, please also indicate those on the enclosed objection form. All of this information can help us further review your claim.

Further inquiries regarding this matter can be directed to myself at (208) 287-4800.

Respectfully submitted,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

Enclosure(s)

11/01/2006

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

RIGHT NUMBER: 67-11491

NAME AND ADDRESS: EUNICE MADSEN
2073 N GALENA RD
COUNCIL ID 83612

CHET MADSEN
2073 N GALENA RD
COUNCIL ID 83612

SOURCE: GROSSEN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T16N R01W S11 SENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.360 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S10 SWNE 18.00

18 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



Idaho Department of Water Resources

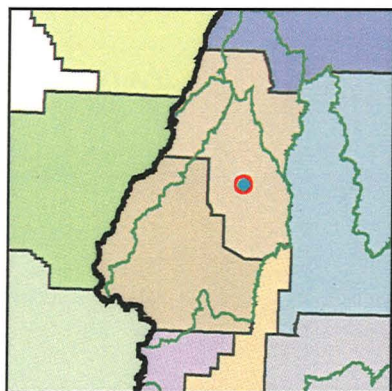
SRBA Recommendation:

67-11491

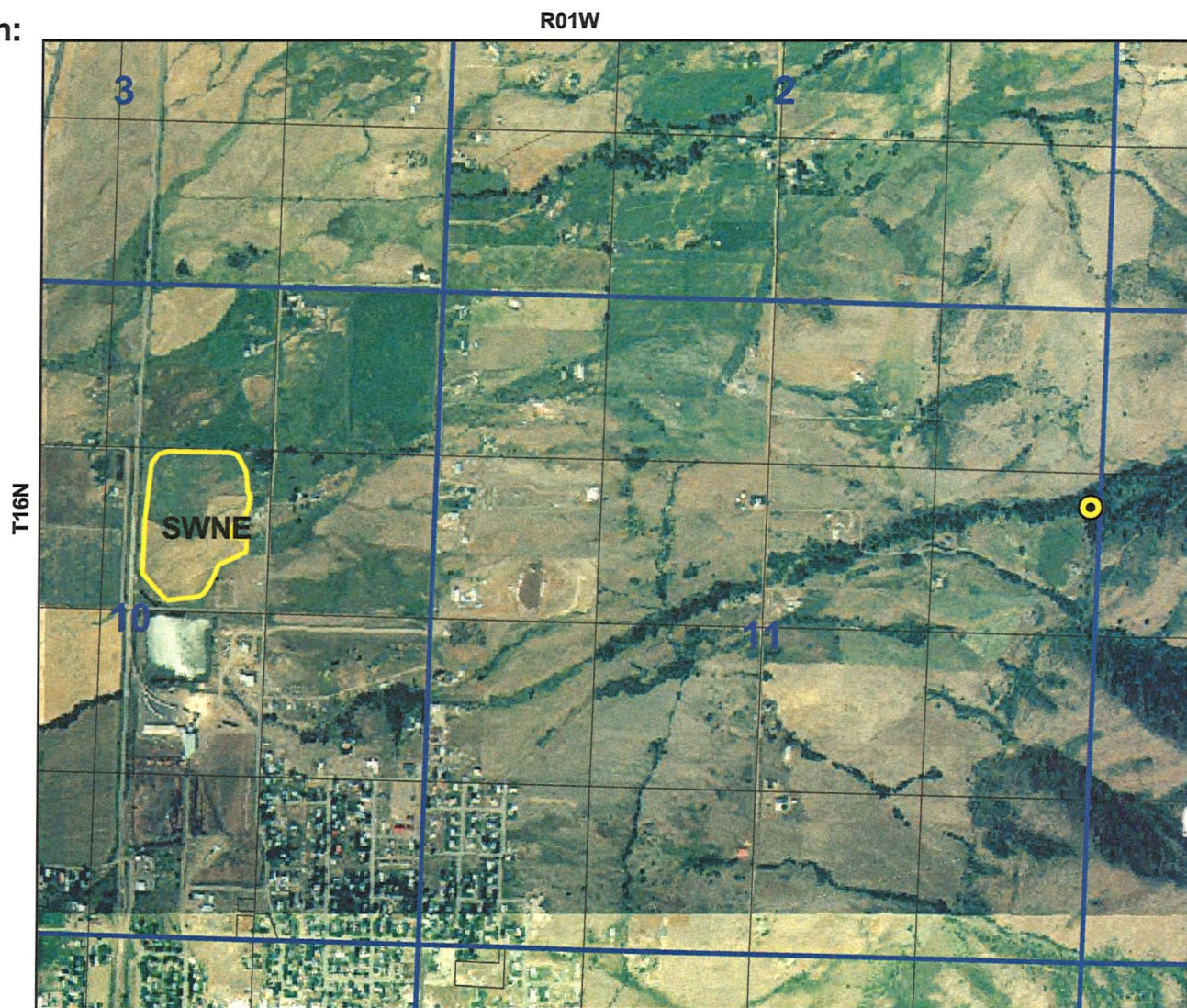
(Irrigation)

Legend

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



Adams County
IDWR Basin 67

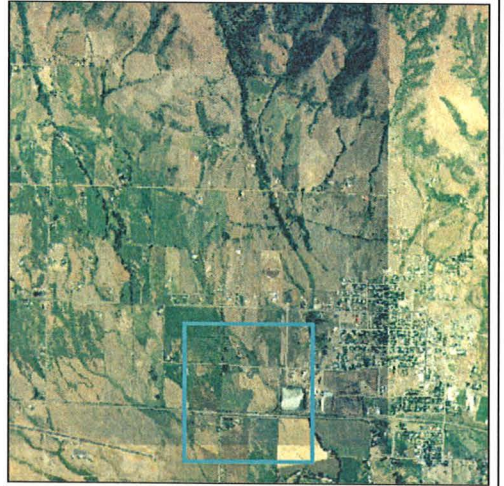


0 0.6 1.2 Miles



Prepared by M. Van Bussum
On Wednesday, November 1, 2006
1987/88 Aerial Photography

67-11491



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11491 V1

WATER RIGHT NUMBER: 67-11491 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EUNICE MADSEN 2073 N GALENA RD COUNCIL, ID 83612 (208)253-4815
Current Owner	CHET MADSEN 2073 N GALENA RD COUNCIL, ID 83612 (208)253-4815

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROSSEN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.360 CFS	
	<u>Total Diversion:</u>	0.360 CFS	

Location of Point(s) of Diversion

GROSSEN CREEK	SE1/4NE1/4	Sec. 11, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	10			18.0														18.0

Total Acres: 18

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11491 V1

Comments:

1. mvanbussum 10/31/2006 Quantity

Comment: Weiser River Water Master Bosco Bosler has delivery records showing 18 shares of Sorenson Rhinehart water behind delivered to the property appurtenant to this claim. 18 shares = 18 inches, so claimant ditch could carry at least 18 inches and no measurement needed.

2. mvanbussum 10/31/2006 Priority Date

Comment: This right is for early flood waters that flow from Grossen Creek that are diverted before Sorenson-Rinehart Ditch company turns diverts water into Grossen Creek and uses Grossen Creek as a means of conveyance. Once Sorenson-Rinehart Ditch starts diverting water, then the water diverted from Grossen Creek is considered Sorenson-Rinehart water. Muir v. Allison Decreed water was decreed for the claimed POU and is delivered by Sorenson-Rinehart Ditch. Since water was decreed to the claimed POU, we know that the irrigation system was in place at that time. Thus, not unlike flood water used on other decreed rights, we can assume that when water was available, they used it if needed. However, since it was not decreed in Muir v. Allison and there is no additional EOP provided such as a posted notice, recommend one day after the decree.

3. mvanbussum 11/1/2006 POD

Comment: Claimed POD appears to be off of a canal or ditch. Updated recommended POD to same as other PODs in the area from Grossen Creek.

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: OR

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>
Contacts	11/1/2006 10:47:33 AM	mvanbussum			Active
Priority Date	11/1/2006 10:48:08 AM	mvanbussum			Active
POD	11/1/2006 10:48:29 AM	mvanbussum			Active
Source	11/1/2006 11:01:07 AM	mvanbussum			Active
POU	11/1/2006 11:02:07 AM	mvanbussum			Active
Use	11/1/2006 11:54:14 AM	mvanbussum			Active
Season	11/1/2006 11:54:31 AM	mvanbussum			Active
Quantity	11/1/2006 11:55:07 AM	mvanbussum			Active
Summary			11/01/2006	mvanbussum	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-11491 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	11/1/2006 11:01:08 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Imagery and comparison with other claims in the area verified the source.
POU	11/1/2006 11:53:36 AM	mvanbussum	Updated shape for Active POU
POU	11/1/2006 11:53:44 AM	mvanbussum	Updated PLS for Active POU
Contacts	11/1/2006 10:47:37 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	11/1/2006 10:48:11 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Claimant has shares in the Sorenson-Rhinehart ditch. Shares are sufficient evidence of priority.
POD	11/1/2006 10:48:32 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11491 V1

POU	11/1/2006 11:02:09 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Imagery and original claim map helped verify POU.
Use	11/1/2006 11:54:16 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Imagery confirmed irrigation.
Season	11/1/2006 11:54:34 AM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/1/2006 11:55:10 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Weiser River Water Master Bosco Bosler has delivery records showing 18 shares of Sorenson Rhinehart water behind delivered to the property appurtenant to this claim. 18 shares = 18 inches, so claimant ditch could carry at least 18 inches and no measurement needed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11491 V1

Summary	11/1/2006 11:56:00 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 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?
POD	11/1/2006 10:59:56 AM	mvanbussum	Updated shape

Water Supply Bank:

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	EUNICE MADSEN	2073 N GALENA RD	COUNCIL	ID	83612	(208)253-4815
Current Owner	CHET MADSEN	2073 N GALENA RD	COUNCIL	ID	83612	(208)253-4815

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Contacts ok in taxlots

Reviewer: MVBDate: 10-31-2006

Priority Date Data Entry Form

Claim Number 67-11491

Claimed Priority Date: 6/5/1902

Claimed Basis: Beneficial Use

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Madsen gets 18 shares Sorenson Rhinchant
water - establishes EOP

18 shares = 18 inches
claiming 18 acres

recommend day after Muir v. Allison
5-10-1918

Reviewer: MVBDate: 10-31-2002

Point of Diversion and Source Data Entry Form

Claim Number 67-11491

Claimed Point of Diversion and Source

T16N R01W S11 SWSENE Within ADAMS County Source: GROSSEN CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

POD generated by looking @ hydrography
& topography, comparing w/ claim map

Reviewer: MVBDate: 11-1-2006

Place Of Use Data Entry Form

Claim Number 67-11491

Claimed Place Of Use

T16N R01W S10 SWNE 18.0

Total Acres 18

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

*POU generated from imagery, compared w/
original claim map*

Reviewer: MVBDate: 11-1-2006

Purpose of Use Data Entry Form

Claim Number 67-11491

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
-----------	-----------------	-----------------	------------

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Irrigation verified by imagery

Reviewer: MVBDate: 11-1-2006

Period of Use and Quantity Data Entry Form

Claim Number 67-11491

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.36	

Overall Diversion Rate 0.36

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Recommend IDWR standard 1"/ac
Recommend IDWR standard season of use

Reviewer: MUBDate: 11-1-2006

RECEIVED

OCT 09 2007

DEPARTMENT OF
WATER RESOURCES

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 67-11491
Date Received: 5/8/1990
Receipt No: W012363
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EUNICE MADSEN Phone: (208) 253-4815

2073 N GALENA RD
COUNCIL ID USA 83612

CHESTER LEO MADSEN Phone: (208) 253-4815

2073 N GALENA RD
COUNCIL ID USA 83612

2. Date of Priority: 06/05/1902

3. Source: GROSSEN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	11	SW SE NW	ADAMS	

5. Description of diverting works:

DIV. VIA GRAVITY FLOW THRU DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.36	

7. Total Quantity Appropriated is:
0.36 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
16N	01W	10	SW	NE	IRRIGATION	23
					Section Acres	23
					Total Acres	23

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON- RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE N. FORK COTTONWOOD CREEK INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF FLOOD WATER IS STILL AVAILABLE AFTER THE DITCH COMPANY BEGINS DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO THE DITCH COMPANY WATER.

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 ~~X~~ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 *exam*

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): Kevin A. Madson Date: Oct 14, 2007

Date: _____

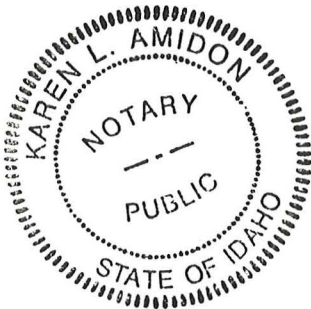
State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 4th
of October 2007

Karen L. Amidon

Notary Public

Residing at Cambridge, ID
My commission Expires 6-26-2009



Oct 5th 2007 this doc
Oct 4th 2007

CERTIFICATE OF MAILING

I certify that on June 21st 2007 Kar, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

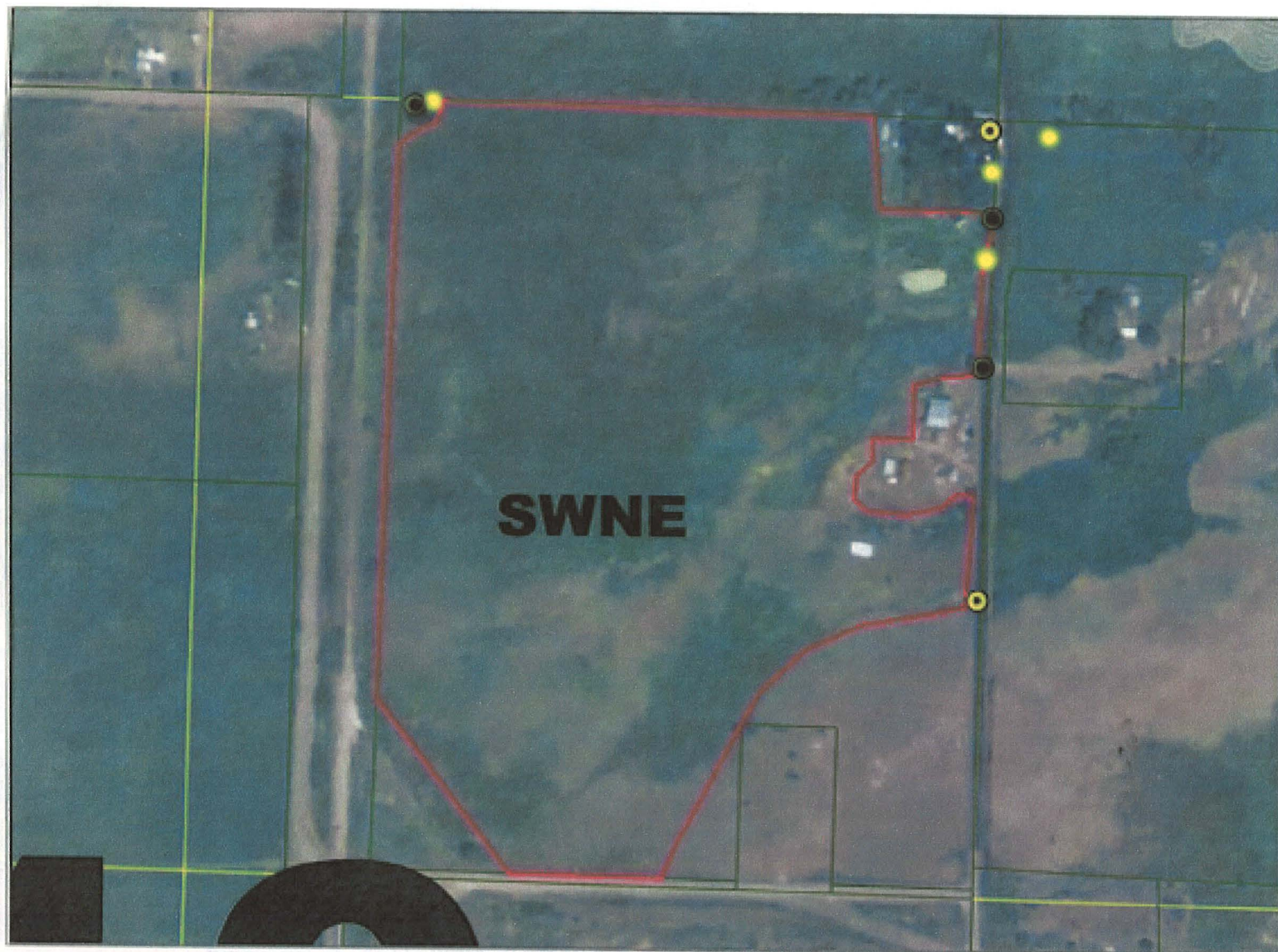
(Insert Names/address of parties)

Kevin A. Madsen 10/5/07
Kevin A. Madsen 10/4/07
Kevin A. Madsen
Signature of person or attorney mailing the form



State Of Idaho

Madsen 67-11491



0 1320 Feet

● Point of Diversion(s) ● amended locations

□ Adams County Tax Lot

□ Existing Place of Use

□ N/A

□ Sections

□ Quarter Quarter

Ammended
by Kevin Madsen
Oct. 4, 2007



SCANNED

OCT 09 2007

Prepared by: Craig L. Saxton
Date: September 20, 2007

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: A67-11491
Date Received: 5/08/1990
Receipt No: W012363
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHET MADSEN 208-253-4815
Address: HC 62, BOX 1525
COUNCIL, ID 83612
OR
Name: EUNICE MADSEN 208-253-4815
Address: HC 62, BOX 1525
COUNCIL, ID 83612

2. Date of Priority: JUN 05, 1902

3. Source: GROSSEN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	11	SW	SE	NW		ADAMS

5. Description of diverting works:
DIV. VIA GRAVITY FLOW THRU DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		

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

8. Total consumptive use is 54.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	10	SW NE		IRR	18.0

Section Acres 18.0

Total Acres 18.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

CLAIM NO. A67-11487-SORENSEN-RINEHART DITCH CO. RT.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON-
RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE N. FORK
COTTONWOOD CREEK INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF
FLOOD WATER IS STILL AVAILABLE AFTER THE DITCH COMPANY BEGINS
DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO
THE DITCH COMPANY WATER.

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): Chister Madden Date: 5-8-90
Date:

State of Idaho)
County of AOA) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 19 90 Jan Thutle
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

COUNCIL NW ORTHOPHOTOQUA
IDAHO

R.I.W. R.I.E.

549 116°

548

330 000 FEET

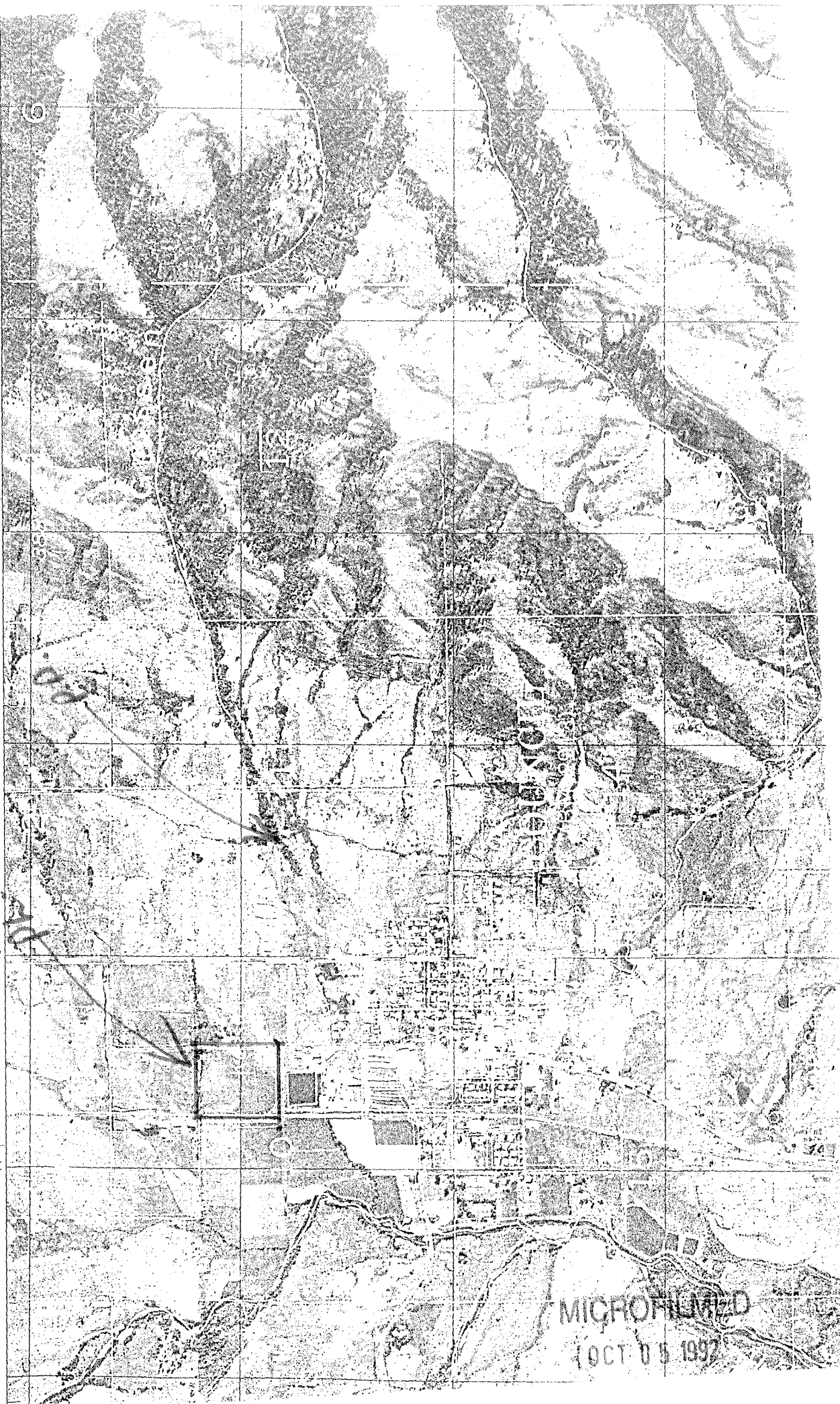
546 25'

545

544

30"

45 N 50 E



MICROFILMED
OCT 05 1992

DATE: 5-8-90 & 9-11-90(A67-11737)

TO: CLAIM FILES FOR NO. A67-11488, A67-11489, A67-11491,
A67-11493, A67-11495, & A67-11737

FROM: JAN SHURTE

SUBJECT: REASON FOR NO LATE FEE

THE ABOVE CLAIMS WERE FILED AFTER THE DEADLINE FOR ADAMS CO. FOR FLOOD WATER RIGHTS ON COOL CREEK AND GROSSEN CREEK. I DID NOT CHARGE A LATE FEE BECAUSE ALL OF THE CLAIMANTS ALSO HAVE SORENSON-RINEHART DITCH CO. RIGHTS WHICH WERE FILED TIMELY AND UNTIL I SPOKE WITH THEM ABOUT THOSE DITCH RIGHTS WAS IT DISCOVERED THEY SHOULD HAVE FILED ON THEIR FLOOD RIGHTS ALSO.

NORMALLY, THE SORENSON RINEHART DITCH CO. DIVERTS WATER FROM THE NO. FORK COTTONWOOD CREEK AND DUMPS IT INTO BOTH COOL CK. AND GROSSEN CK. AS A MEANS OF CONVEYANCE. CLAIMANTS THOUGHT WHAT THEY WERE DIVERTING, EVEN DURING THE FLOOD SEASON, WOULD THEN BE SORENSON RINEHART DITCH CO. RIGHTS. HOWEVER, THROUGH CONVERSATION WITH THE DITCH CO. OFFICIALS, I FOUND THAT THEY DO NOT DIVERT DURING THE EARLY SPRING FROM N. FORK COTTONWOOD BECAUSE THERE IS STILL ICE IN THE DITCH, SINCE THE NO. FORK IS FURTHER UP LAND FROM GROSSEN OR COOL CK. BUT, DURING THE EARLY SPRING SOME OF THE WATERUSERS BEGIN DIVERTING FROM GROSSEN OR COOL CK. BEFORE THE DITCH CO. DIVERTS FROM COTTONWOOD CK. THEREFORE, THEY ARE DIVERTING FLOOD WATERS WHICH ORIGINATE IN GROSSEN & COOL CK. AND NEEDED A FILING FOR THAT TIME PERIOD. THEY CONTINUE TO DIVERT ALL THROUGH THE SUMMER, AND SINCE IT WOULD BE IMPOSSIBLE TO TELL WHEN GROSSEN OR COOL CK. WATER IS GONE AND ONLY THE DITCH WATER FROM NO. FORK COTTONWOOD CK. IS RUNNING IN THESE TWO CREEKS, I HAVE PUT THE SEASON OF USE FOR THE ENTIRE IRRIG. SEASON.

BECAUSE THIS IS SUCH A COMPLICATED FLOOD WATER SITUATION, I FELT THESE CLAIMANTS SHOULD NOT BE CHARGED A LATE FEE FOR THESE FLOOD WATER CLAIMS SINCE THEY HAD BELIEVED ALL THEY NEEDED TO FILE WAS THEIR DITCH CO. RIGHTS AND THOSE WERE FILED TIMELY.

MICROFILMED

OCT 05 1992

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: A67-11491
Date Received: 5/08/1990
Receipt No: W012363
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHET MADSEN 208-253-4815
Address: HC 62, BOX 1525
COUNCIL, ID 83612

OR
Name: EUNICE MADSEN 208-253-4815
Address: HC 62, BOX 1525
COUNCIL, ID 83612

2. Date of Priority: JUN 05, 1902

3. Source: GROSSEN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	11	SW	SE	NW		ADAMS

5. Description of diverting works:
DIV. VIA GRAVITY FLOW THRU DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		

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

8. Total consumptive use is 54.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION.

APR 12 2004
SCANNED

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	10	SW	NE	IRR	18.0
					Section Acres	18.0
					Total Acres	18.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

CLAIM NO. A67-11487-SORENSEN-RINEHART DITCH CO. RT.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON-
RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE N. FORK
COTTONWOOD CREEK INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF
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DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO
THE DITCH COMPANY WATER.

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): Chister Madden Date: 5-8-90
Date:

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of May 19 90

Seal

Jan Thutle
Notary Public

Residing at

My Commission Expires

Meridian ID
9-14-94

