

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14894 V1

WATER RIGHT NUMBER: 67-14894 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORMA R GROSSEN PO BOX 72 INDIAN VALLEY, ID 83632-0072 (208)256-4419
Current Owner	TOM L GROSSEN PO BOX 72 INDIAN VALLEY, ID 83632-0072 (208)256-4419

Priority Date: 03/15/1971

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	SW1/4NW1/4	Sec. 23, Twp 14N, 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	
14N	01W	3												5.0					5.0

Total Acres: 5

Conditions of Approval:

- 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
- 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.
- The point of diversion is shared with other irrigation rights.
- 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14894 V1

Comments:

1. shemenway 12/17/2007 EVIDENCE OF PRIORITY

Comment: AFFIDAVIT FROM NEIGHBOR RONALD DUNHAM STATING THAT HE COULD VERIFY THAT THE POU WAS FLOOD IRRIGATED FROM THE LITTLE WEISER RIVER SINCE 1971.

2. shemenway 2/5/2008 WATERMASTER INFORMATION

Comment: 12/30/2007 NOTE IN FILE FROM MONICA VANBUSSUM, PER LITTLE WEISER RIVER WATERMASTER ROGER MEYER, RECORDS THERE IS ADDITIONAL CAPACITY IN GRAYS CREEK DITCH. NO MEASUREMENT IS NEEDED.

3. shemenway 2/6/2008 SYSTEM

Comment: DIVERSION DAM, WEIR AT GRAYS CREEK DITCH THAT THEN SPLITS OFF INTO 3 DITCHES. POU IS IRRIGATED BY MEANS OF DIRT DITCHES, WITH GRAVITY FLOW THAT RUNS NW.

4. shemenway 2/6/2008 POD

Comment: CLAIMANT HAS OTHER WRS THAT SHARE THIS SAME POD: 67-14894, 67-14895, 67-7524, 67-4083A, 67-453, 67-436B, 67-435, 67-432, 67-427.

5. shemenway 2/6/2008 LATE CLAIM

Comment: REASON FOR FILING ON THIS 5 ACRES, WAS THAT IT WAS ASSUMED THAT IT HAD ALREADY BEEN COVERED BY ONE OF THE DECREED WRS THAT THE CLAIMANT ALREADY HAD. CLAIMANT WAS UNAWARE THAT IT HAD NOT BEEN INCLUDED.

Water Supply Bank:



Idaho Department of Water Resources

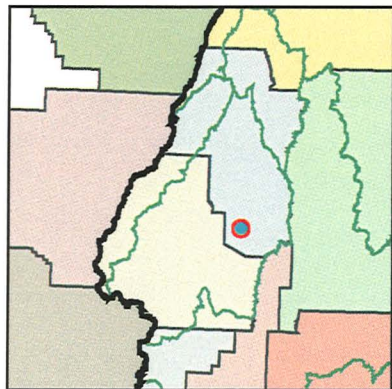
SRBA Recommendation:

67-14894

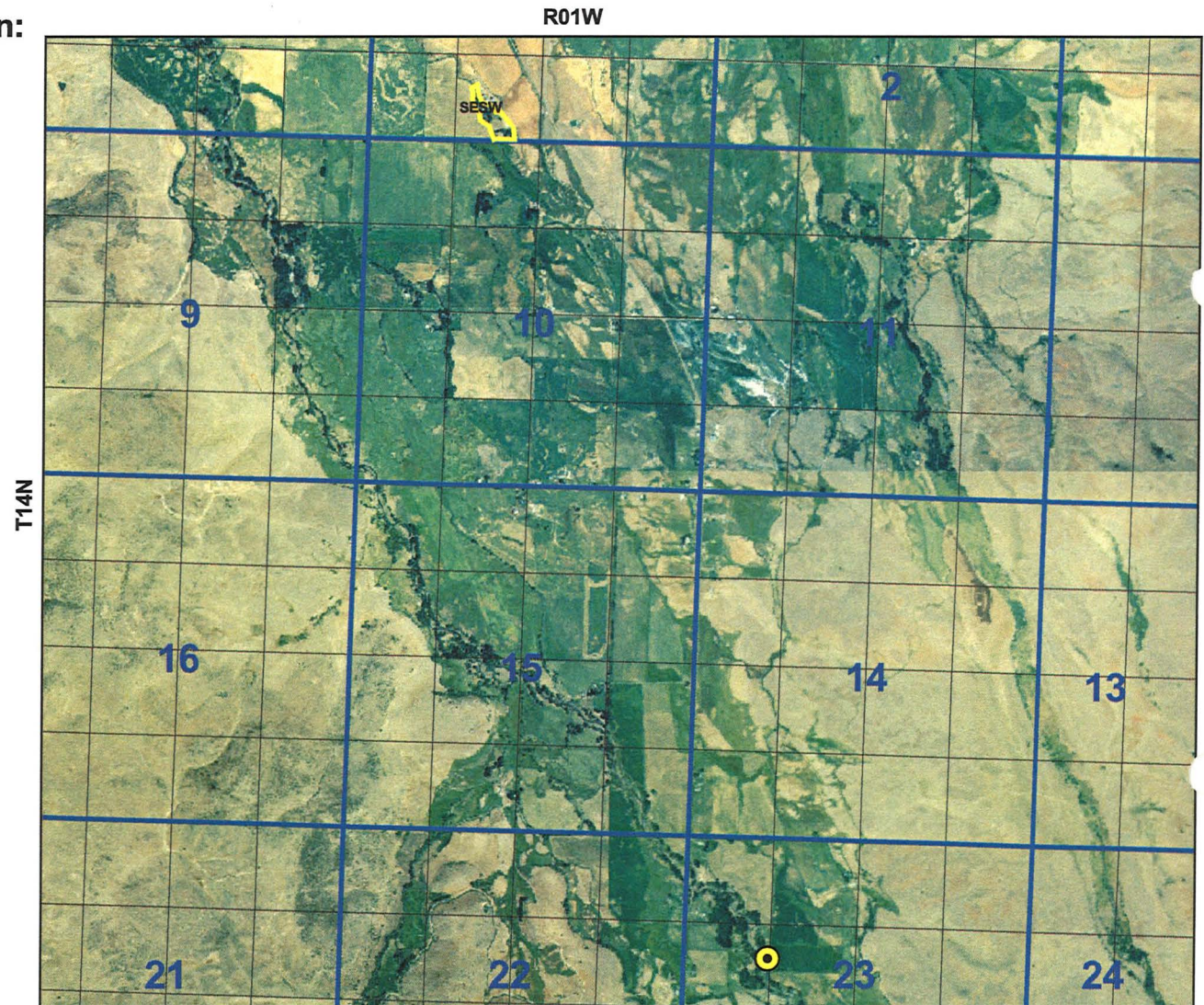
(Irrigation)

Legend

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



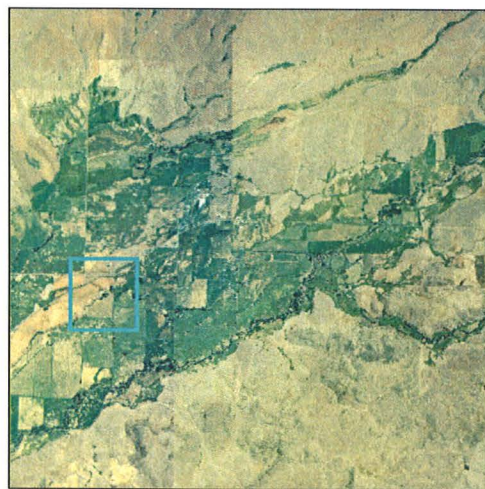
Adams County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, February 5, 2008
1987/88 Aerial Photography



67-14894



Date: 2/5/2008
Agent: S. Hemenway
Claimant: Tom L. and/or Norma R. Grossen
WR# 67-14894
Mailing Address: PO Box 72, Indian Valley, ID 83632-0072
Phone #: (208) 256-4419
Location of POD: T14N R1W SEC 23 SWSW
System Description: Diversion Dam, Grays Creek Ditch, Flood Irrigation.
weir located 100 yds from Grays Creek and splits into 3
Irrigated by means of dirt ditches, with gravity flow that runs NW.
Measuring Device: weir on the main Grays Creek, and where they take water it is split 3 ways
Field Exam: <0.20 cfs; On 12/30/2007 a verbal from Roger Meyer/Watermaster that there is additional capacity
in Grays Creek. No measurement required. Measured at weir.
Nonirrigation Uses: NONE
Other Uses: NONE
Other WRs Used: NONE for this 5 acres. (claimant has other WRs that utilize the same POD, but do not overlap
and irrigate these 5 acres)
Supplemental Water: Tom thinks they have wells filed on, but never used there for that area.
Basis of Claim: Beneficial Use Claimant was not aware this wasn't included by other decreed WRs.
Priority Date: 3/15/1971
Evidence of Priority: Affidavit written by neighbor: Ronald Dean Dunham, verifying that he knows the property has
been flood irrigated since 1971, for this POU.

NOTES:

12/30/2007 Note in file written by Monica VanBussum states that "per
Little Weiser River Watermaster Roger Meyer records,
there is additional capacity in Grays Creek Ditch.
No measurement needed."
2/5/2008 per phone conversation with Claimant/Tom, Joe Stipick is the new Watermaster, and then
Joe Holmes controls the flow to the individuals from the weir to where it splits off to the
individuals.
Claimant stated 2/5/2008 that they have always irrigated this POU, and thought it was included in
the other Decreed WRs, until Lori Graves brought it to their attention. That's why they
filed a late claim on this POU.
POU for this claim does not overlap with any other WRs owned by Claimant.
Claimants WRs that share the same POD: 67-14894, 67-14895, 67-7524, 67-4083A, 67-453, 67-436B
67-435, 67-432, and 67-427.

SCANNED

FEB 05 2008

Recommendation:

C18

001 Lockable measuring device to be maintained.

005 regulated by Watermaster (2008 Watermaster is Joe Stipick, with Joe Holmes regulating the splits off from the weir)

POD shared by many other irrigation WRs.

SCANNED

FEB 05 2008

Per Little Weiser River
Watermaster Roger Meyer
records, there is
additional capacity in
Grays Creek Ditch.

No measurement
needed.

67-14894 &
67-14895
have gone 90%

info. 12/30/07
obtained by
M. Van Bussan



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

November 27, 2007

TOM L AND NORMA R GROSSEN
PO BOX 72
INDIAN VALLEY ID 83632-0072

RE: Snake River Basin Adjudication (SRBA)
Late Notices of Claim to a Water Right #67-14894 and 67-14895

Dear Claimants:

The Notices of Claim to a Water Right referenced above were received from the SRBA Court recently. I have enclosed your receipt #C085383 for the fees you paid.

These Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region
Enclosure:

Receipt Referenced Above

SCANNED

NOV 28 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

11/23/07
C085383
da

Ident. Number 67-14894
Date Received
Receipt No. DISTRICT COURT-SRBA
Received By: Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 27 2007
By _____ Clerk
Deputy Clerk
Phone: (208) 256-4419

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Tom L. and/or Norma R. Grossen
PO Box 72, Indian Valley, ID 83632-0072

2. Date of Priority: 3/15/1971

3. Source: Little Weiser River Trib. to: Weiser River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	1W	23	SW NW	Adams	

5. Description of diverting works: Diversion Dam, Grays Creek Ditch,
Flood Irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.10	

7. Total Quantity Appropriated is:
0.10 CFS

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	1W	3	SE	SW	IRRIGATION	5.0
Total Acres						5.0

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: None

14. Remarks: The point of diversion is shared with other irrigation rights.

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): Tom George Date: 8-21-7
Norma R. Green Date: 8-21-7

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 21st of August 2007

Ann Gladhart
Notary Public

Residing at Cambridge

My commission Expires 3-31-16



To Whom It May Concern:

I, RONALD DEAN DUNHAM, am 70 years old
and have lived in the Indian Valley area all my life and can verify that about five acres
south of Tom and Norma's house in Section 3, T14N R1W, have been flood irrigated
since 1971 with water from the Little Weiser River.

Ronald M. Dunham
Signature

August 8, 2007
Date

1987 Aerial Photo

Legend

-  POU
-  Sections

Grossen SRBA Late Claim
POU: T14N R1W S3 SESW
5 Acres Irrigation

0 0.05 0.1
Miles

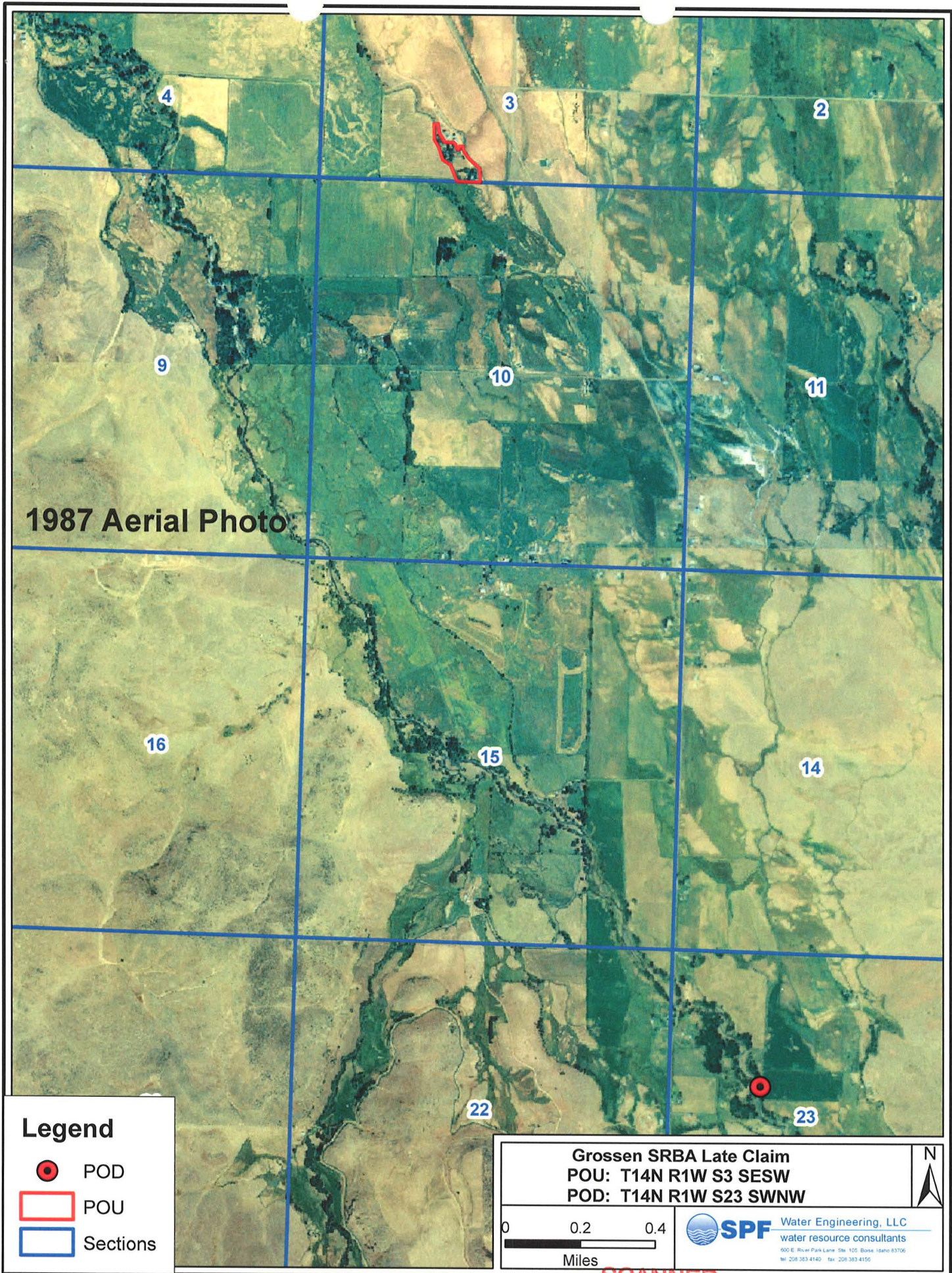


Water Engineering, LLC
water resource consultants
400 E. River Park Lane, Ste. 105, Boise, Idaho 83706
tel: 208.383.4140 fax: 208.383.4156



SCANNED

NOV '26 2007



SCANNED

NOV 26 2007

RECEIVED

NOV 23 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 21 2007

By

Clerk
Deputy Clerk

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

Subcases: 67-14894 & 67-14895

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

On August 27, 2007, Tom L. and Norma R. Grossen filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on November 20, 2007. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated November 21, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on November
21, 2007, with sufficient first-class postage to the following:

NORMA R GROSSEN
TOM L GROSSEN
PO BOX 72
INDIAN VALLEY, ID 83632-0072
Phone: 208-256-4419

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 11/21/07

FILE COPY FOR 00492

Deputy Clerk

SCANNED

NOV 26 2007

**SPF**Water Engineering, LLC
water resource consultants

a
RECEIVED
AUG 27 2007
DEPARTMENT OF
WATER RESOURCES

August 24, 2007

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

Subject: Two Motions to File Late Notice of Claim

Dear Diana,

Enclosed on behalf of Tom & Norma Grossen, is a *Standard Form 4 - Motion to File a Late Notice of Claim* for irrigation.

Please let me know if there are any questions concerning the claims.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Tom & Norma Grossen

Enclosures
Two Motions with Claims Attached

SPF file number: 630.0010

Hearing 11-20-2007

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

In Re SRBA

) Subcase 67-14894

) (Insert water right number)

)

Case 39576

) STANDARD FORM 4

)

) MOTION TO FILE:

) ☒ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED

AUG 28 2007

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Tom and/or Norma Grossen

My address is PO Box 72, Indian Valley ID 83632-0072

My phone number is: Work _____ Home 208-256-4419

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because: We were not aware that the 5.0 acres were not covered by our other decreed water rights.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.) We have provided an affidavit from our neighbor Ronald Dean Dunham.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 210.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on TUESDAY, 11/20/2007, 1:30 PM
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho
County of Washington

_____, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

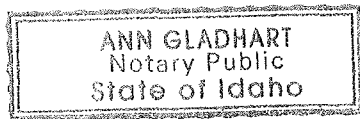
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Norma A. Grassen Tom Hanna
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on

August 21, 2007
(Insert Date)
Ann Gladhart
Notary Public for Idaho



Residing at: Cambridge
My Commission expires: 3-31-16

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on August 24, 2007, 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

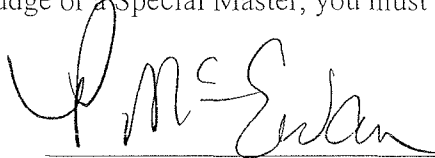
2. Copies to:

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.



Signature of person or attorney mailing the form

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 67-14894
Date Received: 8-27-2007
Receipt No:
Received By:

d.e. ss
8-28-07

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Tom L. and/or Norma R. Grossen
PO Box 72, Indian Valley, ID 83632-0072

Phone: (208)256-4419

2. Date of Priority: 3/15/1971

3. Source: Little Weiser River Trib. to: Weiser River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	1W	23	SW NW	Adams	

5. Description of diverting works: Diversion Dam, Grays Creek Ditch,
Flood Irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.10	

7. Total Quantity Appropriated is:
0.10 CFS

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	1W	3	SE	SW	IRRIGATION	5.0

Total Acres 5.0

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: None

14. Remarks: The point of diversion is shared with other irrigation rights.

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): Tom George Date: 8-21-7

Martha A. French Date: 8-21-7

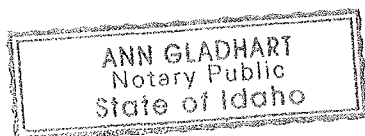
State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 21st of August 2007

Ann Gladhart
Notary Public

Residing at Cambridge

My commission Expires 3-31-16



To Whom It May Concern:

I, RONALD DEAN DUNHAM, am 70 years old
and have lived in the Indian Valley area all my life and can verify that about five acres
south of Tom and Norma's house in Section 3, T14N R1W, have been flood irrigated
since 1971 with water from the Little Weiser River.

Ronald A. Dunham
Signature

August 8, 2007
Date

1987 Aerial Photo

Legend

-  POU
-  Sections

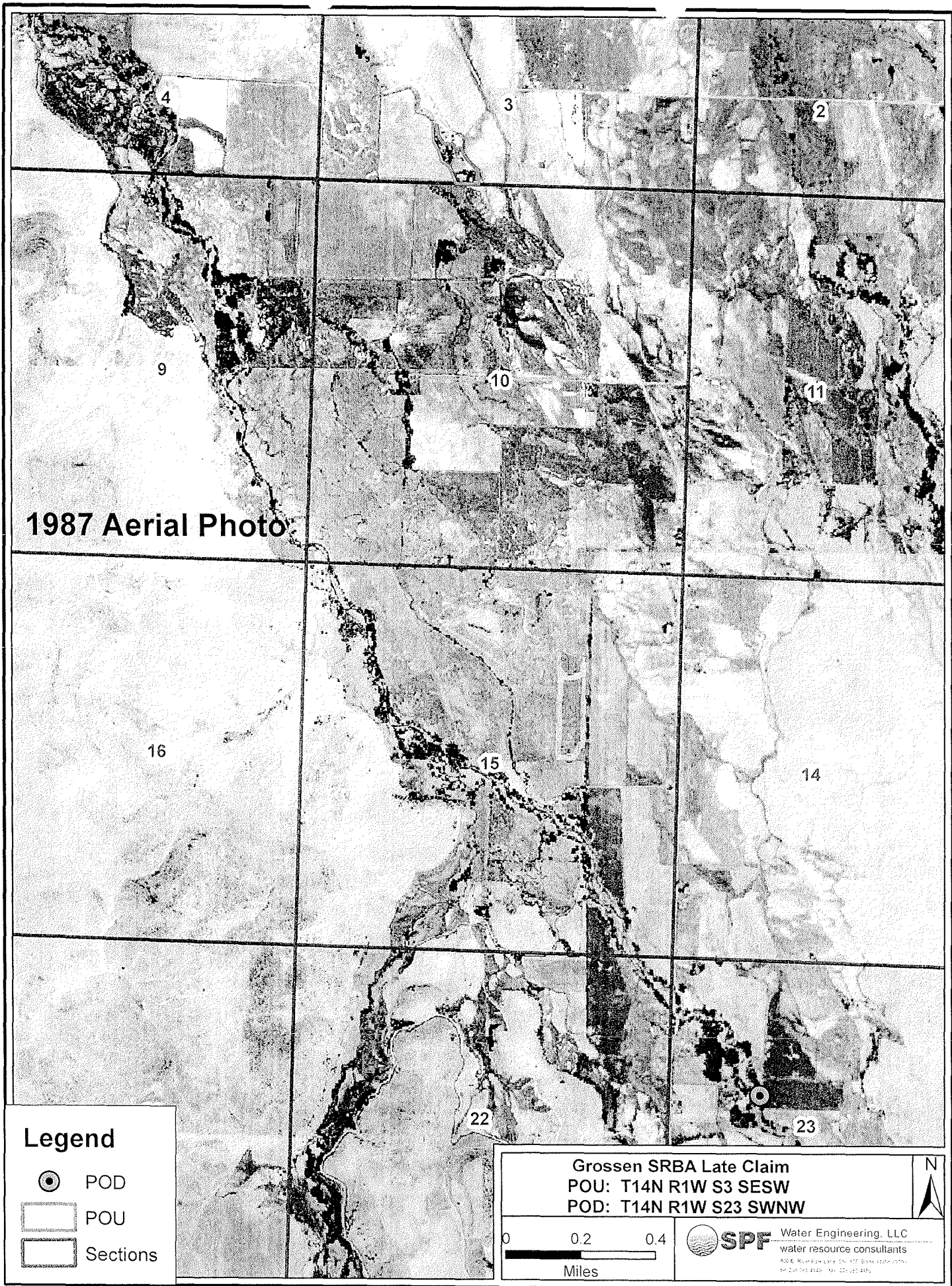
Grossen SRBA Late Claim
POU: T14N R1W S3 SESW
5 Acres Irrigation

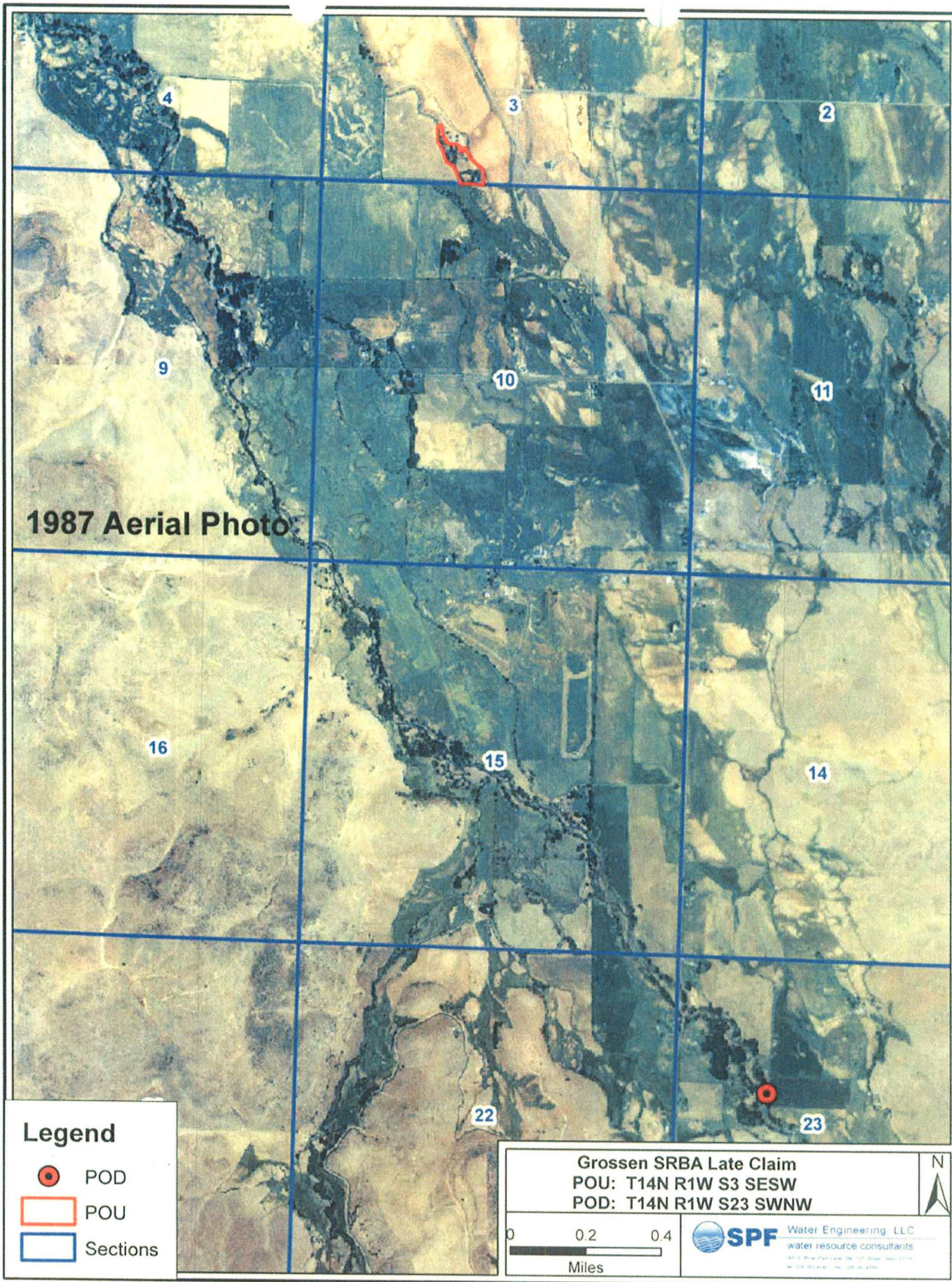
0 0.05 0.1
Miles



Water Engineering, LLC
water resource consultants
1000 E. 10th Street, Suite 100
Boulder, CO 80502
303.440.1234





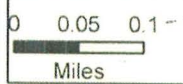


1987 Aerial Photo

Legend

-  POU
-  Sections

Grossen SRBA Late Claim
POU: T14N R1W S3 SESW
5 Acres Irrigation



Water Engineering, LLC
water resource consultants
901 E. 8th Street, Suite 100
Billings, MT 59101-4140



Claim No(s). 67-14894

Claim No(s). 67-14894

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