



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

March 5, 2009

VERONA M SPREADBURY
1715 N CRANE RD
MIDVALE ID 83645

RE: Snake River Basin Adjudication (SRBA)
Motion to File Late Notice of claim 67-14965

Dear Mr. Phipps,

Per my last letter dated February 27, 2009, I am sending you a partially completed adjudication claim and the necessary documents you need to submit to the SRBA court to request permission to file a late claim (Standard Form 4).

You will notice under Item 2, highlighted in yellow, on the enclosed claim, I have left the priority date blank. You will need to fill in the priority date which is the earliest date that water was used to irrigate the ground claimed.

You are going to have to provide documentation that supports that priority date. When I met with Mr. Phipps last month, he said he was going to speak with some people with first hand historical knowledge of the area and get written statements that describe the history of the water use on the ground east of the road; specifically, how far back it can be confirmed that it was irrigated.

Keep in mind that any new use of surface water occurring after May 20, 1971, required an application for permit. What this means is that if you are going to claim a historical water right that has not been previously permitted with IDWR, you are going to have to show that the water right existed prior to May 20, 1971.

If you choose to file a motion with the court to submit late claim 67-14965, fill in the priority date you wish to claim under Item #2 and then please review the rest of the claim. If you want to claim more or less acreage, diversion rate, etc, just cross out what you want to change and fill in the new information putting your initials next to the change. When satisfied, sign the claim and submit it to the SRBA court along with completed Standard Form 4 and include filing fees of \$137.00 (\$50 claim fee, \$50 late fee, and \$1 per acre for 37 acres)

As always, please feel free to contact me if you have questions.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s): Partially completed claim 67-14964
Standard Form 4



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C. L. "BUTCH" OTTER
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February 27, 2009

WILLIAM C PHIPPS
1731 N CRANE RD
MIDVALE ID 83645

VERONA M SPREADBURY
1715 N CRANE RD
MIDVALE ID 83645

RE: Snake River Basin Adjudication (SRBA) recommendation
Possible objection to 67-15005 & 67-15006

Dear Mr. Phipps and Ms. Spreadbury,

I met with Charlie Phipps on 2-20-09 where we discussed the property to the East of N. Crane road more specifically described as T12N, R1W, S3, NWSE & SWSE. Charlie and I discussed two options.

Option 1 was to file an objection to the current recommendations for water rights identified by water right numbers 67-15005 (Phipps) and 67-15006 (Spreadbury). The objection would argue that the acreage to the east of N. Crane Road should have been included as irrigated ground under those water right recommendations.

Option 2 would be to petition the SRBA court to file two new late claims. This would be claiming that there is a water right applicable to that ground, but it isn't part of the 1884 water right described in the posted notice submitted by John Wheeler in 1884.

After doing some additional research, I would advise pursuing **Option 2** and filing a new claim. The reason is because with the available evidence, I do not see how I could support adding the additional acreage onto your current water rights 67-15005 and 67-15006.

The reason is because 67-15005 and 67-15006 are claimed based on the development of a water right by John Wheeler in 1884. The property to the East of the road was not owned by John Wheeler in 1884 and therefore could not have been part of the water right he described in his posted notice.

Research:

Using the BLM land Patent Search application on the web, I discovered that Nancy Sharp was issued a patent for the property listed below on March 25, 1890:

12N, 1W, S3, SESW
 SWSW
 NWSE
 SWSE

Since John M Wheelers the Posted Notice did not describe the NWSE and SWSE of section 3, and the property was patented by Sharp instead of Wheelhouse, irrigation of this ground can not be added to 67-15005 and 15006. Rather if a water right is going to be pursued for this property, it will have to be through a new claim or some other means.

Option 1 Discussion:

Despite my findings, you can still go with Option 1 and file objections to 67-15005 and 67-15006. I told Charlie that I would start filling out the objection forms and send them to him so you can send them to the court wish. Per that discussion, I am enclosing two partially completed objection forms.

However, I do want to be clear that just because I am sending you objection forms, it does not mean I am advising you to file objections to 67-15005 and 67-15006. I am not advising you file objections.

The deadline for filing objections for 67-15005 and 67-15006 is **March 2, 2009**. Since the mailing is going to be late, I would suggest you call the SRBA court at (208) 736-3011 and let them know that your objection might be late.

Option 2 Discussion:

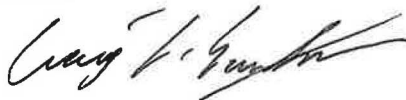
If you can show that the ground to the east of the road was irrigated prior to May 20, 1971, and has been irrigated, I would advise you go with **Option 2** and file two new late claims with the court. At the end of our meeting, my understanding was that Charlie was going to speak to some neighbors and see what he could find out about the irrigated history of that ground located to the east of the road.

I will be preparing two late claims and sending them to you for review in a separate mailing.

If you decide not to file objections to 67-15005 and 67-15006, you can just throw the paperwork I am enclosing with this letter away.

Please feel free to contact me with any questions at (208)-287-4916.

Sincerely,



Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s): Copy of John M Wheelhouse's Posted Notice
Partially completed objection form
Copy of Recommendation for 67-15005 and 67-15006

02/27/2009

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

RIGHT NUMBER: 67-15006

NAME AND ADDRESS: VERONA M SPREADBURY
1715 N CRANE RD
MIDVALE ID 83645

SOURCE: NORTH CRANE CREEK

TRIBUTARY: CRANE CREEK

QUANTITY: 0.380 CFS

PRIORITY DATE: 02/18/1884

Pursuant to a call in times of scarcity, this right is junior to Water Right No. 67-11763

POINT OF
DIVERSION:

T12N R01W S3 NWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.380 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R01W S03	SWSW	0.20	T12N R01W S03	SESW	15.00
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15.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 67-4023.

The portion of Right 67-4023 used for conveyance losses is 0.08 cfs.

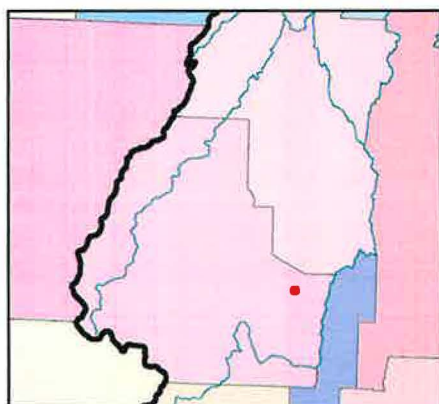


SRBA Recommendation
67-15006
(IRRIGATION)

Idaho Department of Water Resources

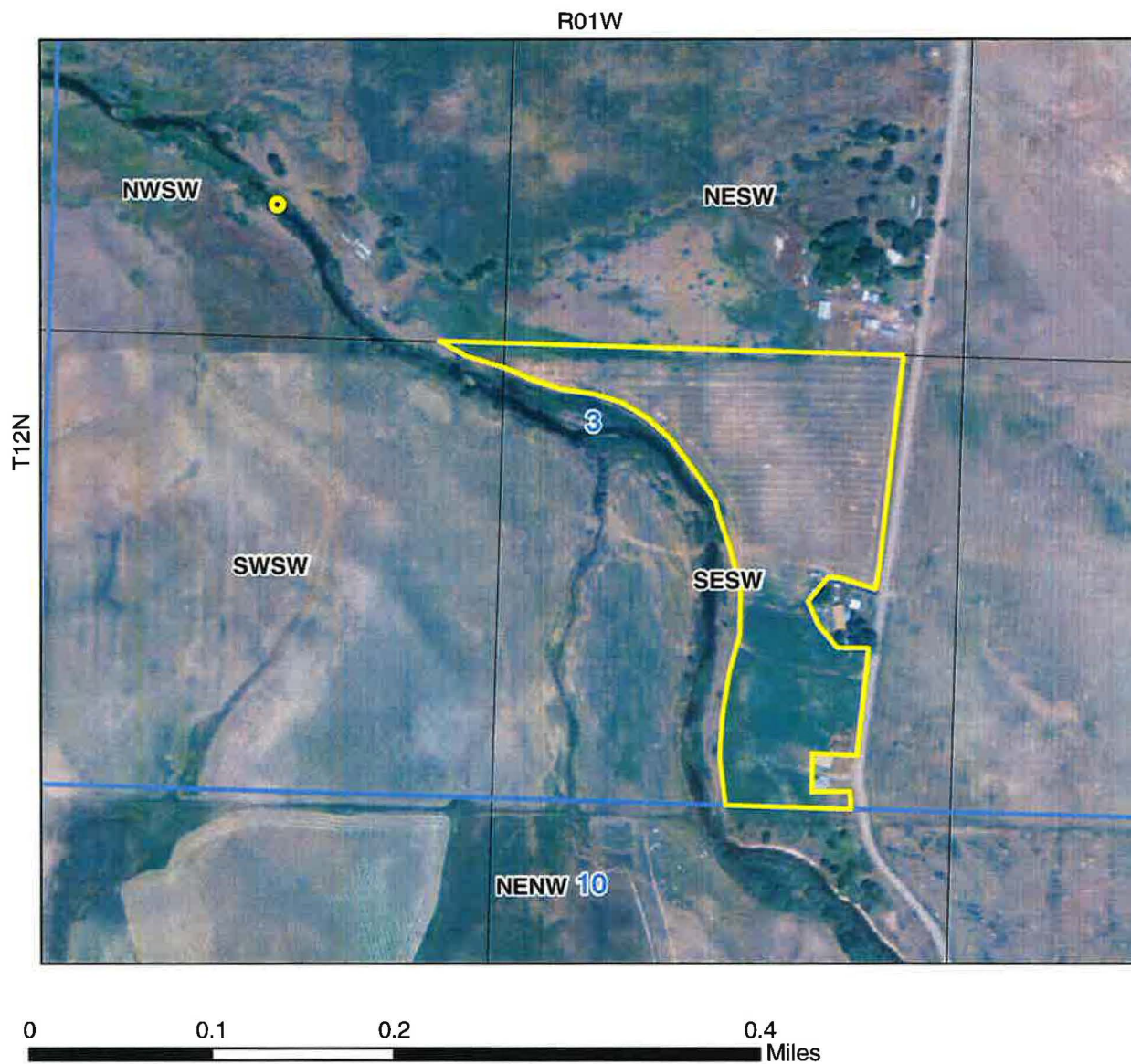
Legend

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



Washington County
IDWR Basin 67

Prepared by Craig Saxton
On February 27, 2009
2004 Aerial Photography



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 67-15006
Date Received: 7/20/1998
Receipt No:
Received By:

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

1. Name of Claimant(s)

VERONA M SPREADBURY Phone: (208) 355-4525

1715 N CRANE RD
MIDVALE ID USA 83645

2. Date of Priority: 02/08/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	01W	10	NW NE	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	2	

7. Total Quantity Appropriated is:
2 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
12N	01W	3	NE SW	IRRIGATION	28
			SW SW	IRRIGATION	39
			NW SW	IRRIGATION	30
				Section Acres	97

12N	01W	4	NE	SE	IRRIGATION	3
					Section Acres	3
					Total Acres	100

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

HISTORIC ACREAGE WAS ESTIMATED USING ASCS MAP.

This right is a split from former right 67-4023.

15. Basis of Claim: Statutory Claim

Diversion Volume: 0 AF

Total acre:	79.4
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Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre	Volume
67-4023	0.41	79.4	0.005	0
67-15005	0.33	64.2	0.005	0.0
67-15006	0.08	15.2	0.005	0.0