

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: A37-00490

Date Received: 10/25/1989

Receipt No: 0006710

Received By: hch

RECEIVED

NOV 20 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

Southern Region Office

1. Name: ROYAL FORK RESTAURANT CORPORATION 208-322-5600
Address: 6874 FAIRVIEW ROAD
BOISE, ID 83704

2. Date of Priority: MAY 14, 1883

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	14E	26	NW	NW	NW		CAMAS

5. Description of diverting works:
HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
IN-STREAM STOCK WATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	14E	26	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0

A37-00490

Page

Date: 10/25/89

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	26	SW	SW		IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
37-4050, 37-00715, 37-00716

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

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 President of
Title
Royal Fork Restaurant Corp., that I have signed the foregoing
Organization
document in the space below as President of
Title
Royal Fork Restaurant Corp. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

President Royal Fork Restaurant Corp
Title and Organization

11-14-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Nov. 19 89

[Signature]
Notary Public

Seal

Residing at Boise
My Commission Expires 12/12/94

NOT TO SCALE

MICROFILMED
FEB 23 1993

08/29/2006

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

RIGHT NUMBER: 37-490

NAME AND ADDRESS: ROYAL FORK RESTAURANT CORP
6874 FAIRVIEW RD
BOISE ID 83704

SOURCE: SOLDIER CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 05/14/1883

POINT OF DIVERSION:

T01N R14E S16 SESESW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

3.200 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R14E S26	NENW	6.00	T01N R14E S26	NWNW	39.00
T01N R14E S26	SWNW	31.00	T01N R14E S26	SENW	14.00
T01N R14E S26	NESW	15.00	T01N R14E S26	NWSW	20.00
T01N R14E S26	SWSW	20.00	T01N R14E S26	SESW	15.00

160 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 429 acres in a single irrigation season. Combined Right Nos.: 37-490 and 37-21488.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



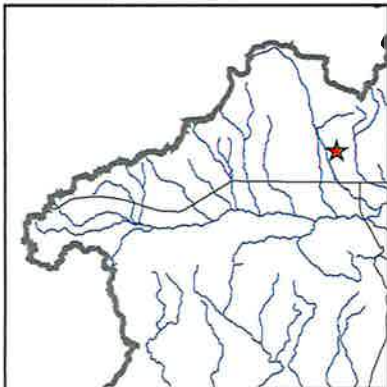
Idaho Department of Water Resources

SRBA Recommendation:

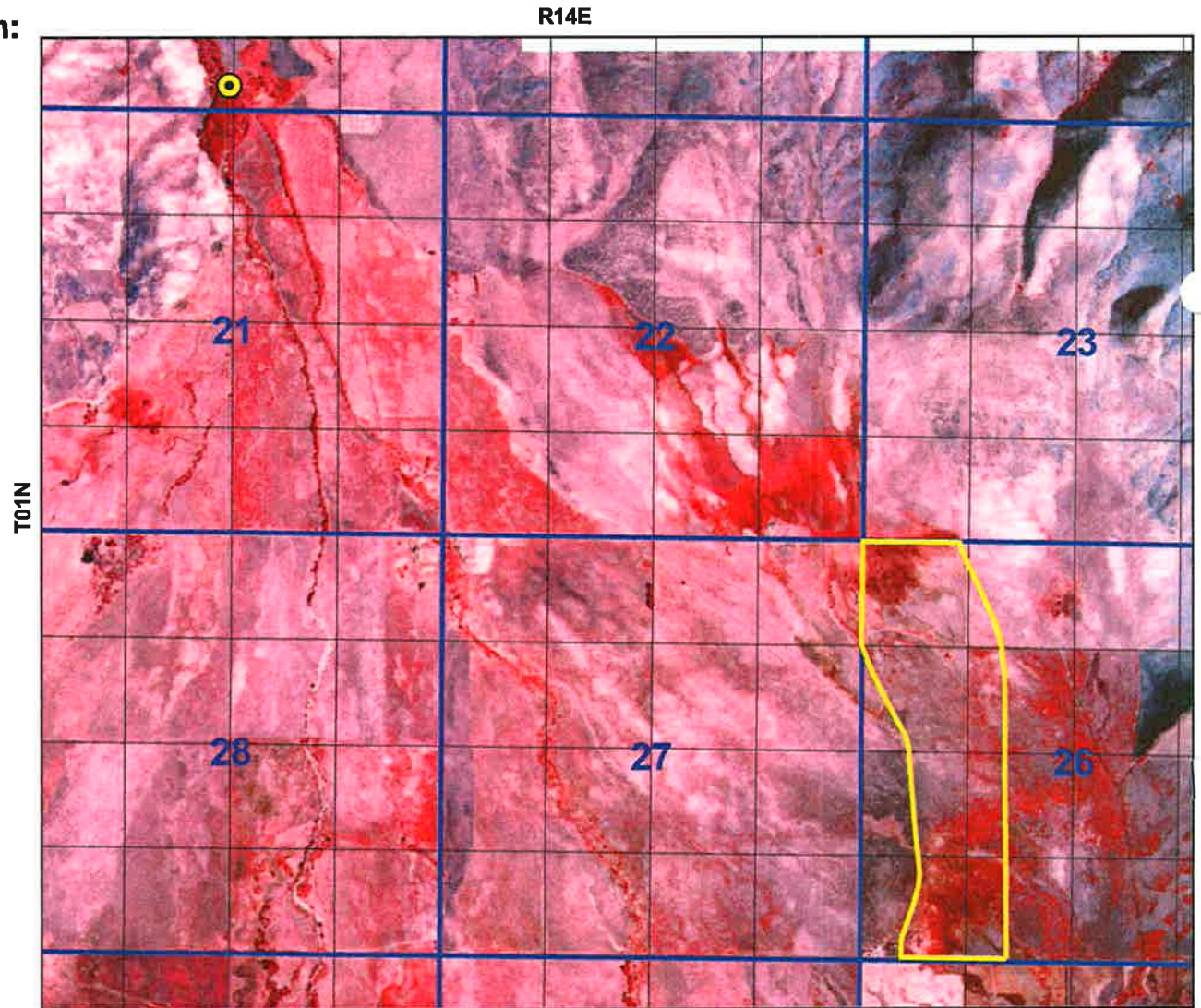
37-490

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Tuesday, August 29, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-490, 37-21488

Background Data

37-490

- Source is Soldier Creek tributary to Camas Creek
- Decreed for 3.2 cfs on 4 QQ
- Claimed 3.2 cfs for Irrigation of 160 acres

37-21488

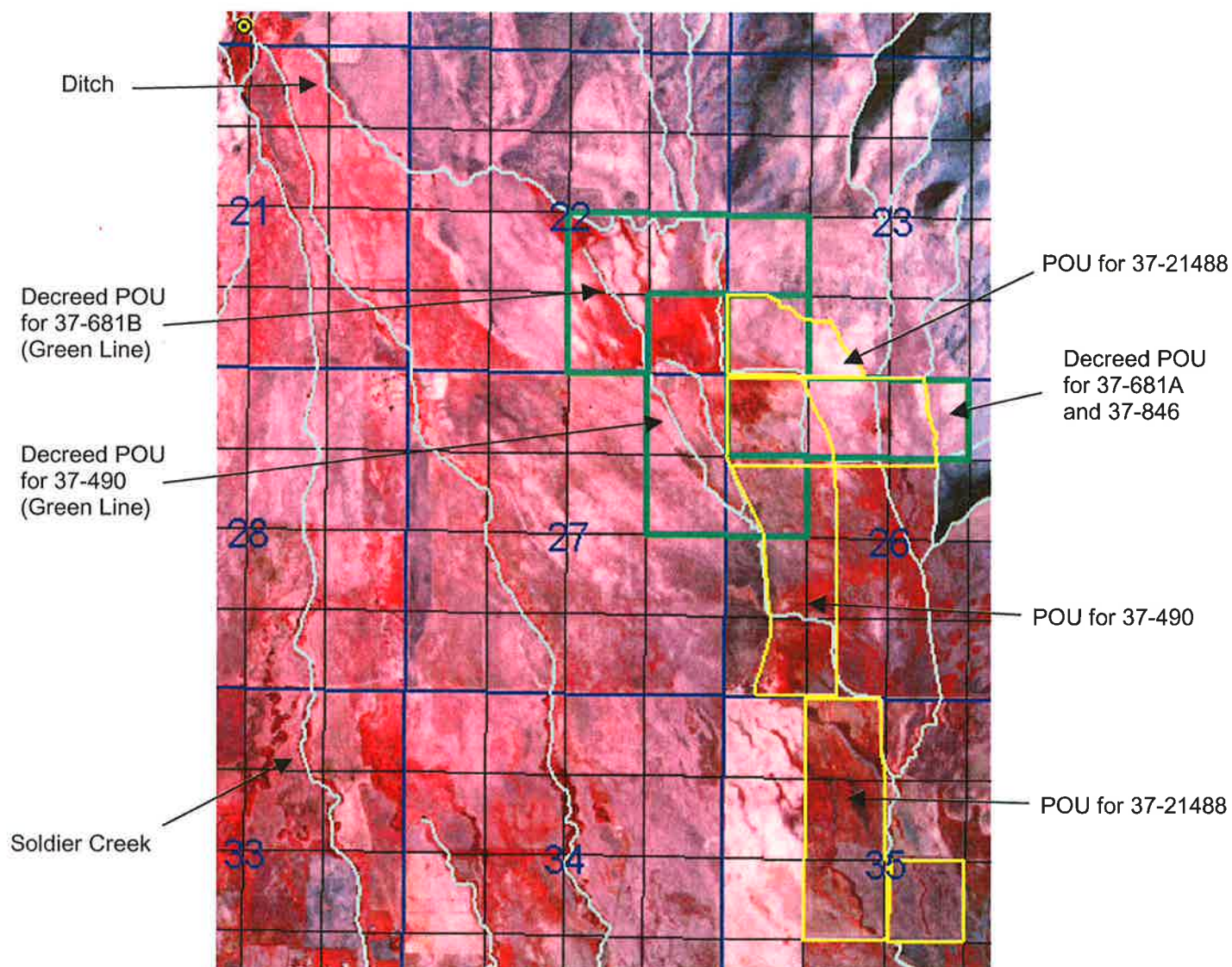
- Source is Soldier Creek tributary to Camas Creek
- 37-681A decreed for 1.55 cfs on 4 QQ
- 37-681B decreed for 1.55 cfs on 4 QQ
- 37-846 decreed for 3.1 cfs on 4 QQ
- Claimed 6.2 cfs for Irrigation of 320 acres

1987 Aerial Photo

Yellow line is the draft base of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1N R14E Sections 23, 26 & 35

- Found 160 acres of irrigation for 37-490.
- Found 320 acres of irrigation for 37-21488
- 37-846 was decreed in Abbott vs. Reedy (1903). The same water was re-awarded on the same land as 37-681 in Frost vs. Alturas Water Co (1909). The Frost decree (1909) states on pages 30-31 that the water right from either decree can be used, but not both:

"It is Further Ordered, Adjudged and Decreed that the respective parties, plaintiffs and defendants, in the various actions named in the Findings herein, to-wit:...George H. Abbott et al., vs. William B. Reedy, et al....they and their successors in interest, be and they are hereby awarded the right to the use of the waters of the Big Wood River and its tributaries, and the various dry streams named in said decrees, to the extent that they are respectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit: either the right named in said decree, or the right otherwise awarded in this decree."

- 37-681A and 37-681B decreed on 8 QQ, so maximum POU acreage is 320 acres.
- Water possibly used in PPU, but since this is uncertain, recommending two overlapping POUs with combined use limits.
- Recommendations:
 - Combined use limit of 429 acres
 - Assuming accomplished transfer for POUs
 - 37-490: 3.2 cfs for Irrigation of 160 acres.
 - 37-21488: 3.1 cfs for Irrigation of 320 acres
 - portion from 37-846 disallowed.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-490

WATER RIGHT NUMBER: 37-490

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMANDA M MINK , ZZ

Priority Date: 05/14/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOLDIER CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	3.200 CFS	
		<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion
SOLDIER CREEK

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

Remarks:Comments: