

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: A37-00786
Date Received: 9/29/1988
Receipt No: 5002615
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TELFER, INC. 208-823-4351
Address: BOX 126
CAREY, ID 83320

2. Date of Priority: AUG 23, 1904

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	22E	13	SE	NE	NE		BLAINE

5. Description of diverting works:
CONCRETE HEADGATE AND WEIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	22E	13	SE	NE		IRR	15.0
			NE	SE		IRR	15.0
			SE	SE		IRR	20.0
Section Acres							50.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	22E	24	NE	NE		IRR	20.0
Section Acres							20.0
Total Acres							70.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-11455

14. Remarks:
P/D MAY BE AS LISTED ON THE LICENSE SINCE IT LIES NEAR THE
LINE BETWEEN TRACTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 9/01/1955

TELFER

Decree Plaintiff

vs

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am MANAGER of _____ Title

TELFER INC. Organization, that I have signed the foregoing document in the space below as _____ Title

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

[Signature]
Signature of Authorized Agent

Manager Telfer Inc.
Title and Organization

9-29-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of September 19 88

[Signature]
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

2N

FLYING
CREEK

P1

P10

A97-00786

22E 23E

MICROFILMED
FEB 23 1983

7290

68.1
7.24

15

20

20

13.7

18
19
20

11/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/15/2006

Water right number: 37-786

TELFER INC

BOX 126

CAREY ID 83320

Telephone Number: (208)823-4351

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-4-06 SIGNATURE: Lee Eldredge

Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/28/2006

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

RIGHT NUMBER: 37-786
NAME AND ADDRESS: TELFER INC
BOX 126
CAREY ID 83320

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.400 CFS

PRIORITY DATE: 08/23/1904

POINT OF DIVERSION:

T02N R22E S13 NESENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.400 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R22E S13	SENE	5.00	T02N R22E S13	NESE	19.00
T02N R22E S13	SESE	26.00	T02N R22E S24	NENE	20.00

70 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 - Decreed

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



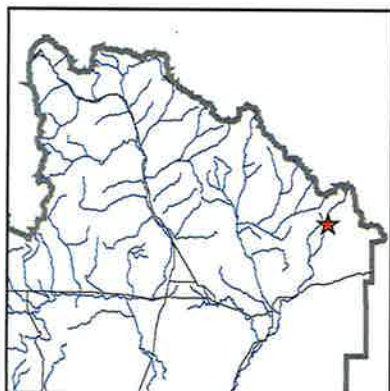
Idaho Department of Water Resources

SRBA Recommendation:

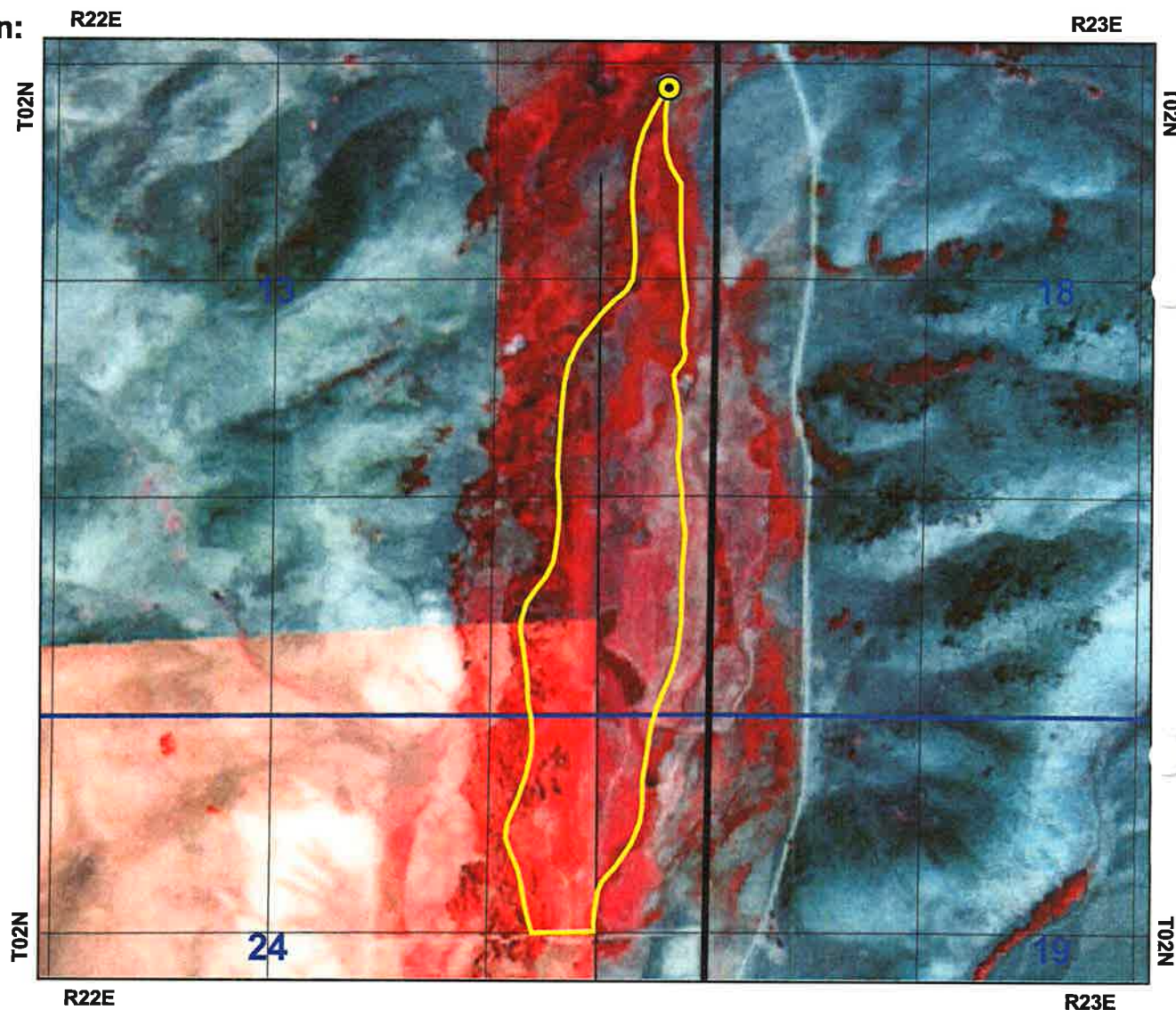
37-786

Legend

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



Blaine County
IDWR Basin 37



Prepared by M. Anders
On Tuesday, November 28, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-786

Background Data

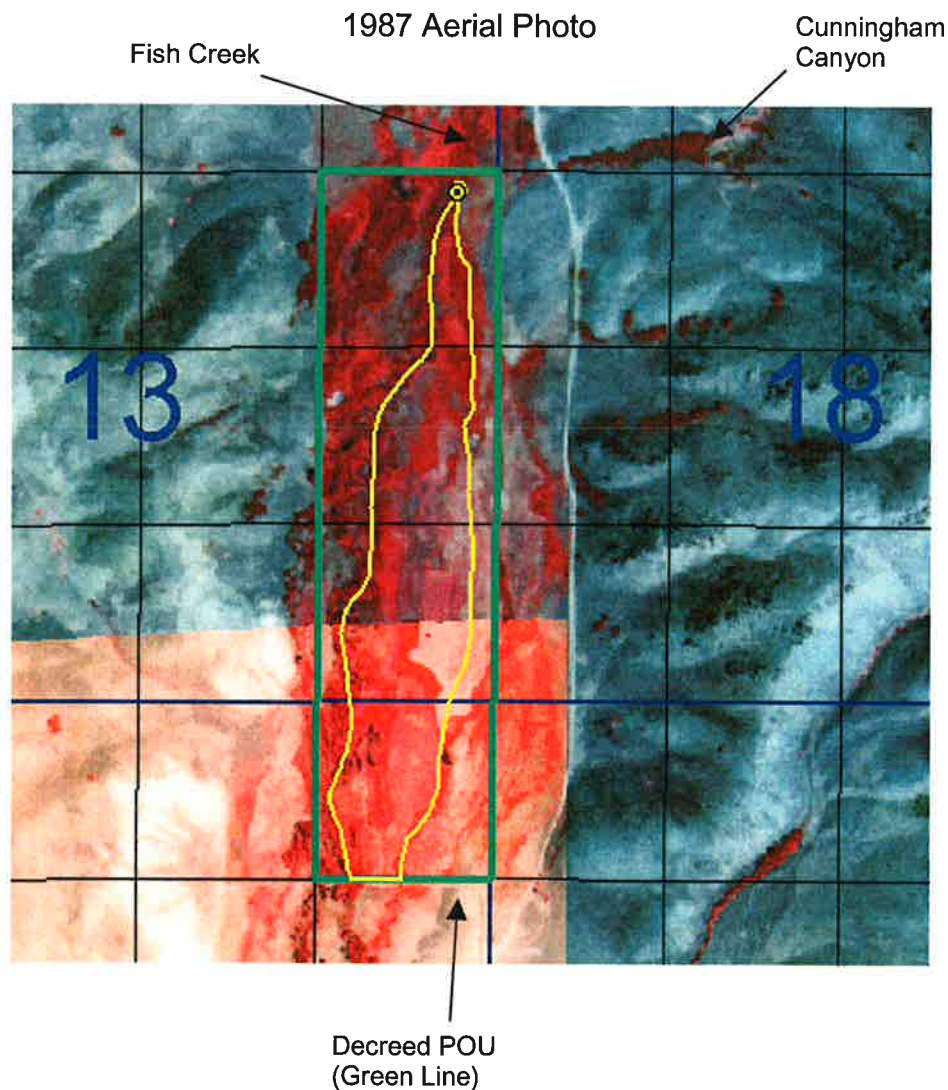
- Source is Fish Creek tributary to Little Wood River
- Decreed for 1.4 cfs on 70 acres
- Claimed for 1.4 cfs on 70 acres

Place Of Use Data

Yellow line is the draft Place 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)





Photograph of POD taken by Lee Peterson during field exam.

Location: 2518238 1367547

Plate: A0016269

Photo #: 1060656

Notes

T2N R22E Sections 13 & 14

- Found 70 acres
- Field exam by Lee Peterson is unclear about how water is used for 37-786 and 37-11455. The claim map and a map by Kelly C. based on an office by Mr. Telfer, indicate that 37-786 is diverted from Fish Creek into their "Fish Creek ditch" and is used to irrigate to the west from the "Fish Creek ditch" to Fish Creek, whereas 37-11455 is diverted from Cunningham Canyon Creek into their "Cunningham ditch" and is used irrigate to the west of the "Cunningham ditch" to their "Fish Creek ditch".
- Recommended as claimed.
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
A37-11455=00786=00750

Owner
Telfer Inc
%Lee Eldridge
Box 126
Carey

Date
7/21/05

I met with Mr. Eldridge this morning to review his three water right files and have him check to see if there should be some revisions to the photo's of place for water uses on each file, and to draw in the approx. location of ditch's and other delivery means which are shown on the photo's

WR 11455 this property source is Fish Cr. - Cunningham - and springs when there is water available. The irrigated land are larger than the yellow area designates, see black lines showing the irrigated area now farmed.

WR 786 this area's water source is the same as 11455 , Fish Cr= Cunningham - springs and Cross Canyon with the area farmed and irrigated much larger than the yellow area indicates all of this land is flood irrigated .With the area by road being irrig. by natural flood water.

WR 750 this lands source is Fish Cr. And the yellow area is not quite full as now shown on photo -black line - with ditch along west side of property -see photo

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Fish Creek	Telfr 1	2518276	1368944	A0016267	1060654
" "	" 2	2518394	1368144	268	655
" "	" 3	2518238	1367547	269	656

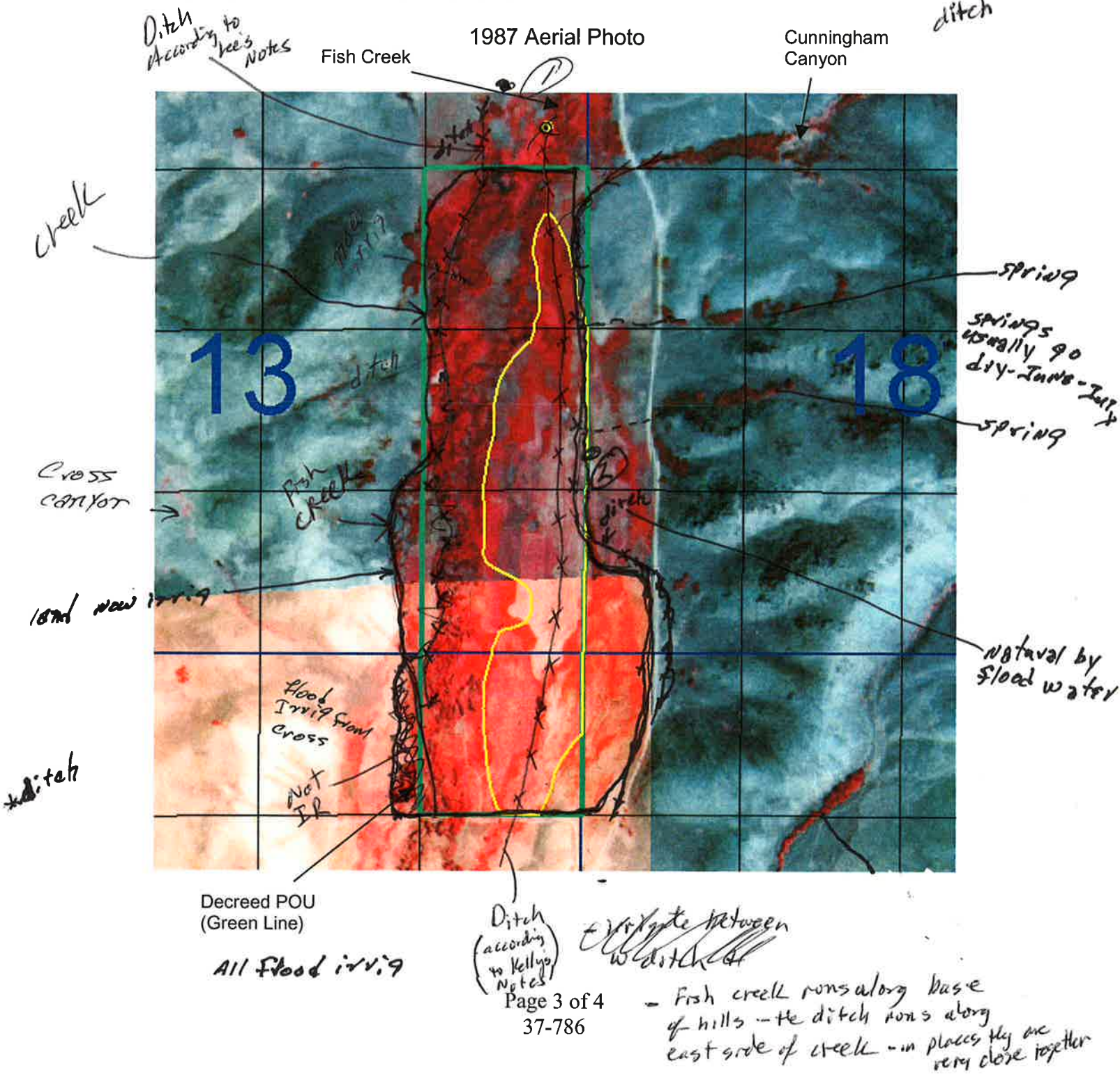
Lee R. Peterson

Background Data

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- Decreed for 1.4 cfs on 70 acres
- Claimed for 1.4 cfs on 70 acres

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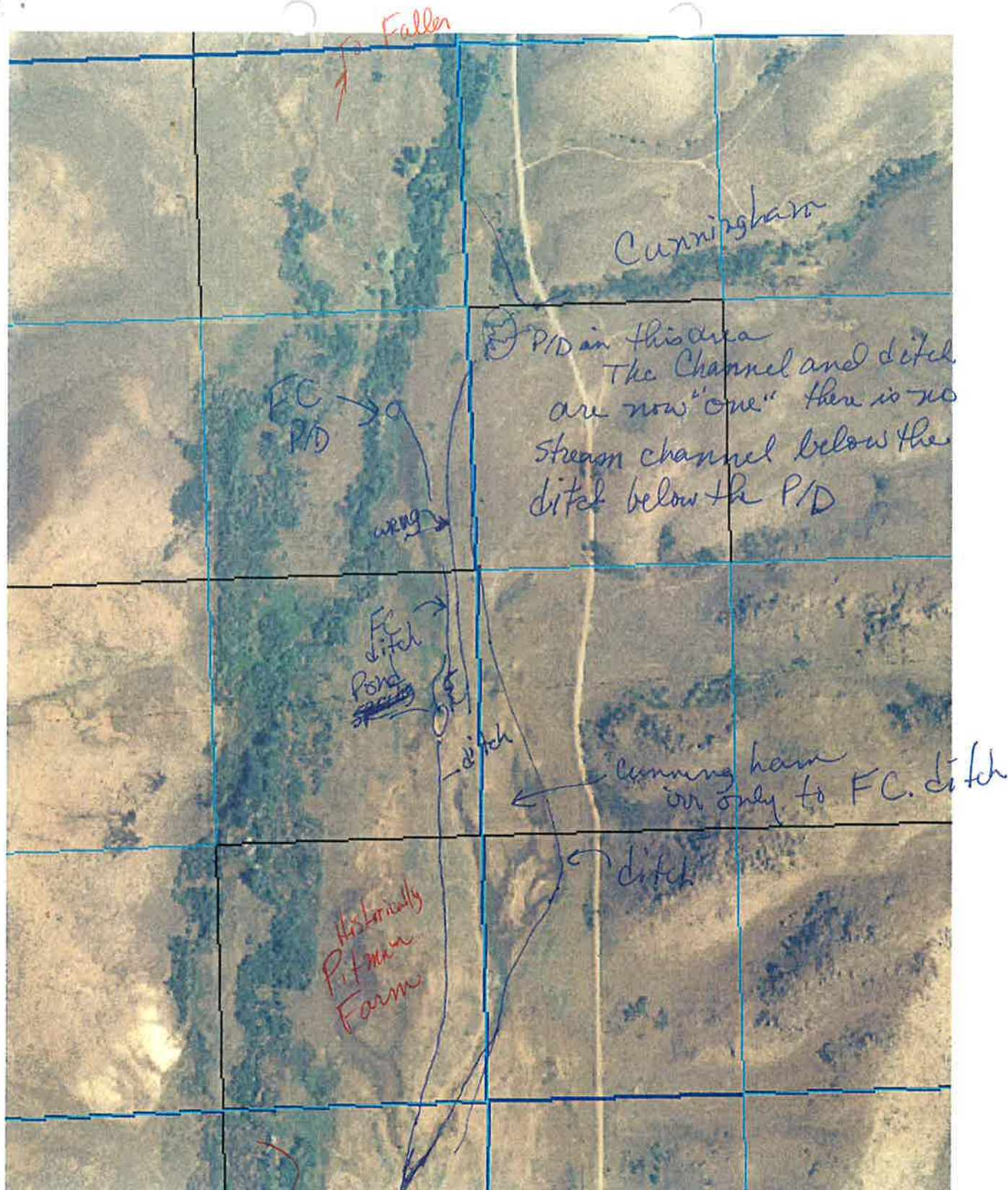
Anders, Matt

From: Christensen, Kelly
Sent: Thursday, June 16, 2005 1:10 PM
To: Anders, Matt
Subject: 37-11455 37-786

I met with Telfer and went over what was needed for ev of priority. I also got some info on the irrigation practices for one of his properties. I am sending a packet of info to you. You will need to get with legal concerning the priority date. (comments on pccommon fishcreek/adj claim review.)

Ditch locations may not be accurate but the discussion was that Fish creek system is for the ground west of that ditch and the Cunningham ditch is Cunningham water only going west to the fish creek ditch. Cunningham theoretically could co-mingle with Fish Creek water and irrigate that ground also. Normally there is not enough Cunningham water to go around.

Kelly



P/D for pipeline
to pivots
in Sec 25

↓ to lower place.

Info from
Telford on 6-16-2005
Kelly K. Christensen

Water Right Report 37-786

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM H TELFER , ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	/	to /		
IRRIGATION	/	to /	1.400 CFS	
DOMESTIC	/	to /		
		<u>Total Diversion:</u>	1.400 CFS	

FISH CREEK SE1/4NE1/4 Sec. 13, Twp 02N, Rge 22E, B.M.
BLAINE County

IRRIGATION

[illegible]

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-786

Licensed Date:
Decreed Date: 9/1/1955
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Lawrence E Smith
Decree Plaintiff: William H Telfer, et al
Civil Case Number:
Judicial District: Fourth District
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank: