

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: A37-00844A
Date Received: 10/25/1989
Receipt No: MOB4988
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN A. MADDEN 208-764-2606
Address: BOX 95
RAIRFIELD, ID 83327

AND/OR

Name: ARLENE M. MADDEN 208-764-2606
Address: BOX 95
FAIRFIELD, ID 83327

2. Date of Priority: MAY 31, 1886

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

4. Point of Diversion:

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

5. Description of diverting works:
PORTABLE PUMP IN CREEK, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.125		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	14E	14	NW	NW		IRR	10.0
Section Acres							10.0
Total Acres							10.0

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:
NONE

14. Remarks:

RT. HOLDER IS SUCCESSOR IN INTEREST TO LOUIA F. GALE PER
CAMAS ABSTRACT CO. & BK. 4 OF DEEDS, P. 289.

THIS RIGHT REPRESENTS A SPLIT OF 37-00844.
CLAIMING 10 ACRES OF THE ORIGINAL 160 ACRES. OR 10/160 X 2.0 CFS
= 0.125 CFS.

DIVERSION IS ACTUALLY OFF OF AN UNNAMED STREAM WHICH PARALLELS
SOLDIER CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ABBOTT ET AL

Decree Plaintiff

vs

REEDY 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: 2

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): X John M. Mudd Date: Oct 25, 1989

Date: _____

State of Idaho)
County of Camas) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of October 19 89 Anna Baumbach
Notary Public

Seal

Residing at Anna Baumbach, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994
My Commission Expires _____

MICROFILMED
FEB 23 1993

A37-00844A

10 Acres



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: A37-00844

Date Received:

Receipt No: X999999

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPLIT RIGHT
Address:

NA, ID

00000

2. Date of Priority: MAY 31, 1886

3. Source: SOLDIER CREEK
SPLIT RIGHT

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
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5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			2.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	14E	14	NE	NW	IRR	
			NW	NW	IRR	
			SW	NW	IRR	
			SE	NW	IRR	

A37-00844

Page 1

Date: 10/25/89

MICROFILMED
FEB 23 1993

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:

14. Remarks:

RT. HOLDER IS SUCCESSOR IN INTEREST TO LOUIA F. GALE PER
CAMAS ABSTRACT CO. & BK. 4 OF DEEDS, P. 289.

|
THIS RIGHT HAS BEEN SPLIT

|
J. MADDEN CLAIMS 10 ACRES OR 1/4 OF 1 TRACT OR 10/160 X 2.0 CFS =
0.125 CFS ON CLAIM A37-00844A.

15. Basis of Claim:

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

11/01/2006

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: November 21, 2006

Water right number: 37-844A

JOHN A MADDEN
PO BOX 95
FAIRFIELD ID 83327
Telephone Number: (208)764-2606

ARLENE M MADDEN
PO BOX 95
FAIRFIELD ID 83327
Telephone Number: (208)764-2606

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: 11/26/06

SIGNATURE: John A. Madden

Please print your name: JOHN A. MADDEN

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

I HAVE BEEN OUT OF STATE SINCE 10/25/06.

SCANNED
DEC - 5 2006

06/28/2006

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

RIGHT NUMBER: 37-844A
NAME AND ADDRESS: JOHN A MADDEN
PO BOX 95
FAIRFIELD ID 83327

ARLENE M MADDEN
PO BOX 95
FAIRFIELD ID 83327

SOURCE: UNNAMED STREAM TRIBUTARY: CAMAS CREEK
QUANTITY: 0.125 CFS
PRIORITY DATE: 05/31/1886
POINT OF DIVERSION:

T01S R14E S14 NENWNW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.125 CFS

PLACE OF USE: IRRIGATION Within CAMAS County
T01S R14E S14 NWNW 9.00

9 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 source pursuant to Section 42-1425, Idaho Code.

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



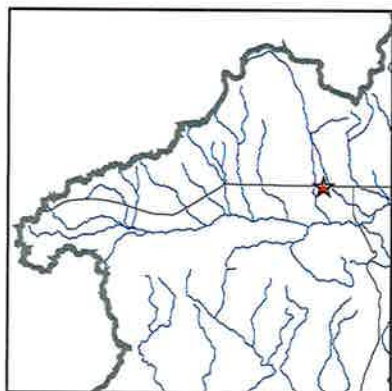
Idaho Department of Water Resources

SRBA Recommendation:

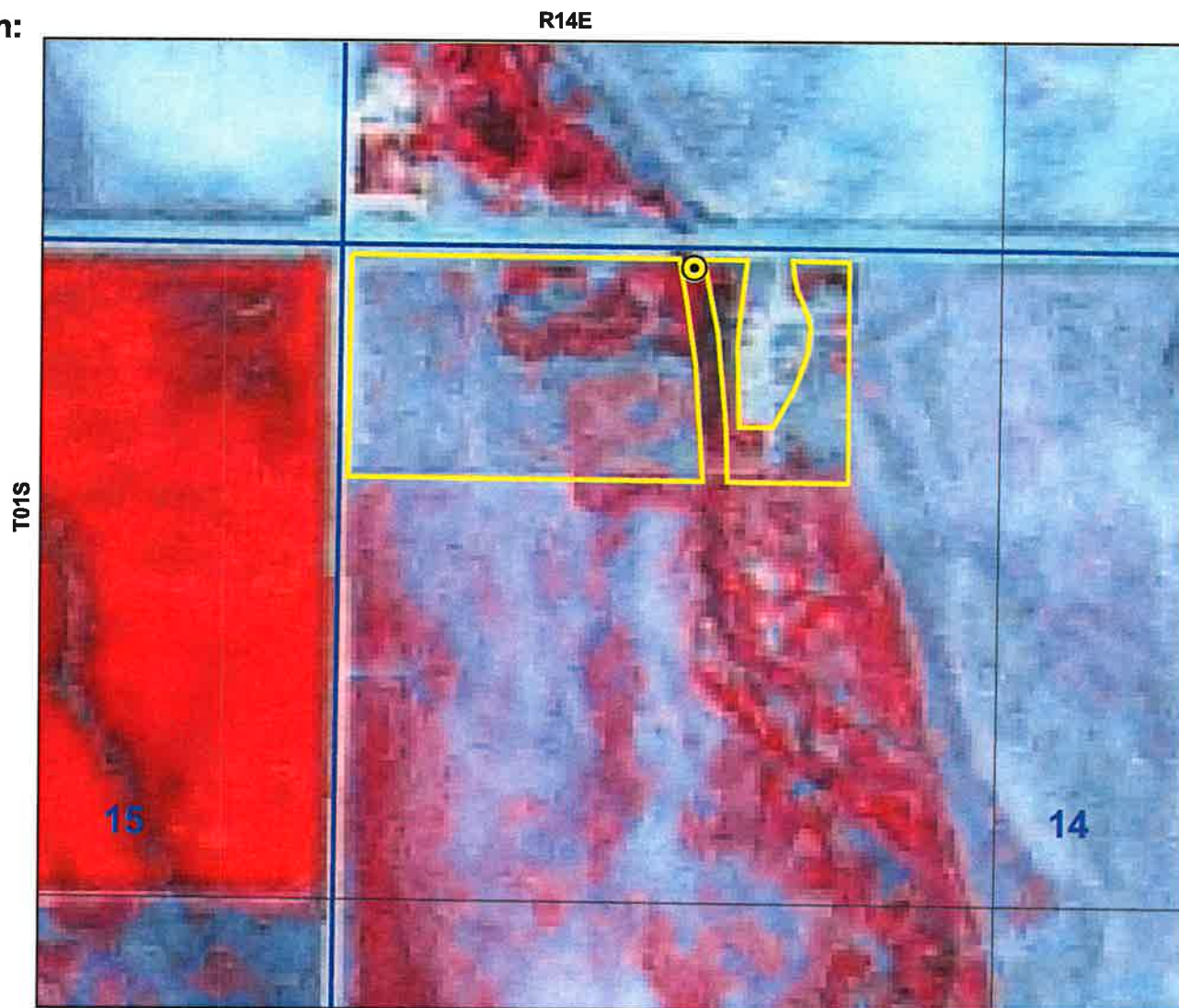
37-844A

Legend

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



Camas County
IDWR Basin 37



0

0.25 Miles

Prepared by M. Anders
On Wednesday, June 28, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-844A

Background Data

- Source is Soldier Creek tributary to Camas Creek
- Decreed for 2.0 cfs on 4 QQ
- Priority date search indicates:
 - SRBA claims:
 - 37-844A claimed 0.125 cfs for Irrigation of 10 acres

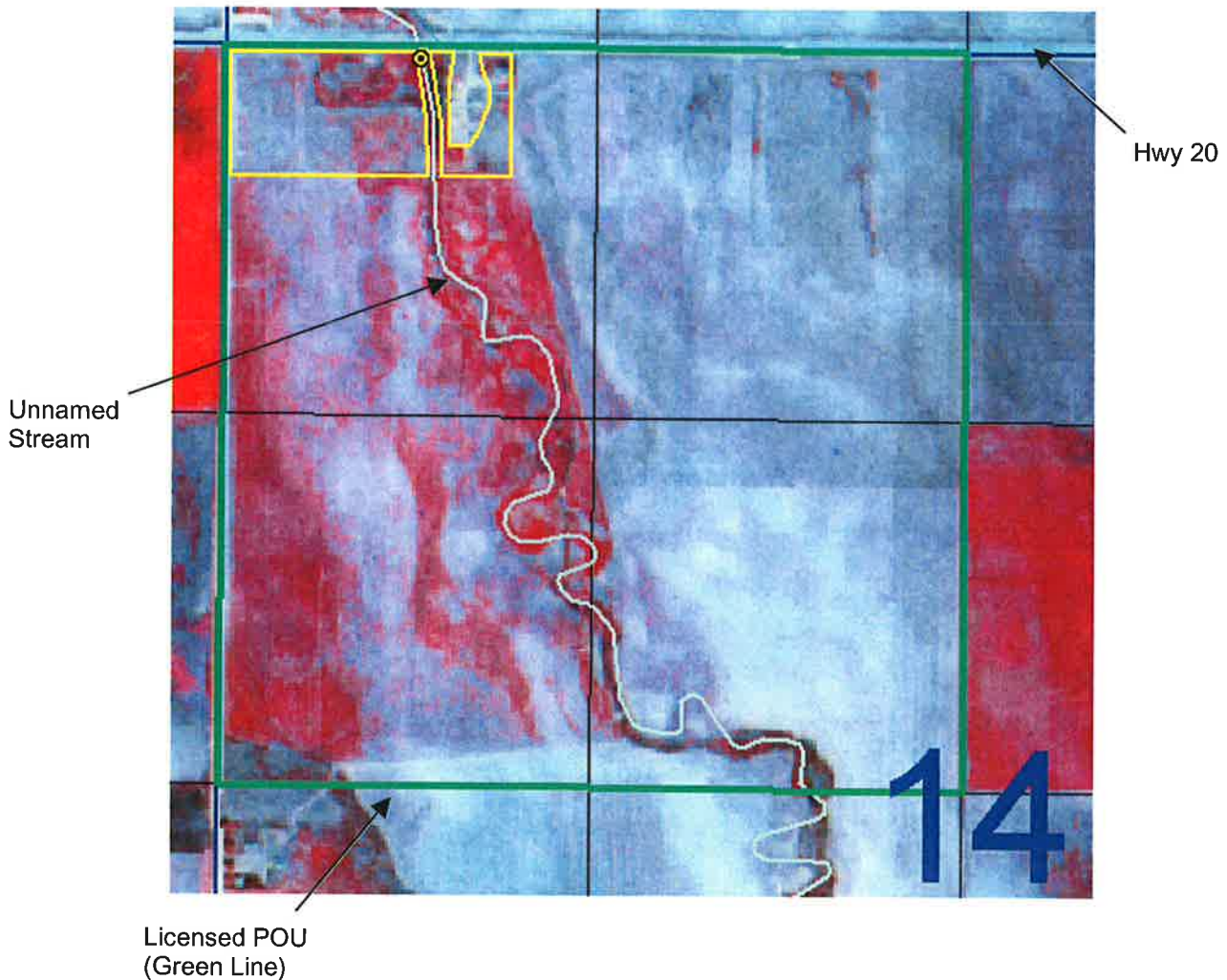
Place Of Use Data

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)

1987 Aerial Photo



Notes

T1S R14E Section 14

- Found 9 acres of Irrigation.
- Stream does not get close enough to Soldier Creek so that water can be diverted from Soldier Creek into it for water right further south, similar to what happens Abbott and Minear Creeks.
- 6/28/06 – talked with John Madden on telephone. Mr. Madden said that he think many years ago they turned water into this stream from Soldier Creek for this water right, but he is unsure if they divert water from Soldier Creek now. He diverts water from the stream at his property when there is water in it, but the creek has been dry for several years due to the drought.
- 37-844 was decreed in George H. Abbott et al., vs. William B. Reedy, et al., 1903. This decree was not superceded by the subsequent Frost decree (1909) according to pages 30-31 of the Frost decree which state:

"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: ...E.W. Moore and Thurston Hutchins, as firm of Moore and Hutchins vs. James Mc Gowan, et al.,... 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."

- Source should be unnamed stream tributary to Camas Creek. Assuming an accomplished transfer in source.
- 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 37-844

WATER RIGHT NUMBER: 37-844

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOSEPH NICHOLS

, ZZ

Priority Date: 05/31/1886

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 /	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

SOLDIER CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	14E	14					X	X	X	X									

Conditions of Approval:

1. RT. HOLDER IS SUCCESSOR IN INTEREST TO LOUIA F. GALE PER CAMAS ABSTRACT CO. & BK. 4 OF DEEDS, P. 289.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-844

Licensed Date:
Decreed Date: 1/3/1903
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: William B Reedy, et al
Decree Plaintiff: George H Abbott, 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:

Water Right Number - 37-00844

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NICHOLS

JOSEPH

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/31/1886 17 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SOLDIER CREEK CAMAS CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01S	14E	14	NE NW			01	IRRIGATION	25 CAMAS
01S	14E	14	NW NW		10 ACRES	01	IRRIGATION	25 CAMAS
01S	14E	14	SW NW			01	IRRIGATION	25 CAMAS
01S	14E	14	SE NW			01	IRRIGATION	25 CAMAS

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
RT. HOLDER IS SUCCESSOR IN INTEREST TO LOUIA F. GALE PER
CAMAS ABSTRACT CO. & BK. 4 OF DEEDS, P. 289.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

MICROFILMED
FEB 23 1993

19/160 x 2.0 = 0.125

MICROFILMED
FEB 23 1993

Water right number - 37-00844

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 12/30/86

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 12/30/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/03/1903				

MICROFILMED
FEB 23 1993