

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

RECEIVED

NOV 20 1989

Ident. Number: A37-02190
Date Received: 10/25/1989
Receipt No: 000670
Received By: hew

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: SEP 06, 1910

3. Source: LUND SPRING Trib. to: SINKS
UNNAMED SPRINGS SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	14E	14	SW	NW	NE		CAMAS
			SE	NW	NE		CAMAS
			NW	SW	NE		CAMAS
			NW	NE	NW		CAMAS
			SW	NW	NW		CAMAS
		23	NE	SE	SW		CAMAS
			NE	SW	NE		CAMAS
		24	NW	NE	NW		CAMAS
			SE	NE	NW		CAMAS
			NW	NE	SW		CAMAS

5. Description of diverting works:
SPRINGS AND CATTLE TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.400		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A37-02190

Page

Date: 10/25/89

MICROFILMED

FEB 23 1993

9. Non-irrigation uses:
S/1000 BEEF

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	14E	14	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SE		SW		STOCK	
		23	SW		NE		STOCK	
			NE		NW		STOCK	
		24	NW		NW		STOCK	
			NE		SW		STOCK	

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:

15. Basis of Claim: LICENSE
Water Right Number: 6601

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

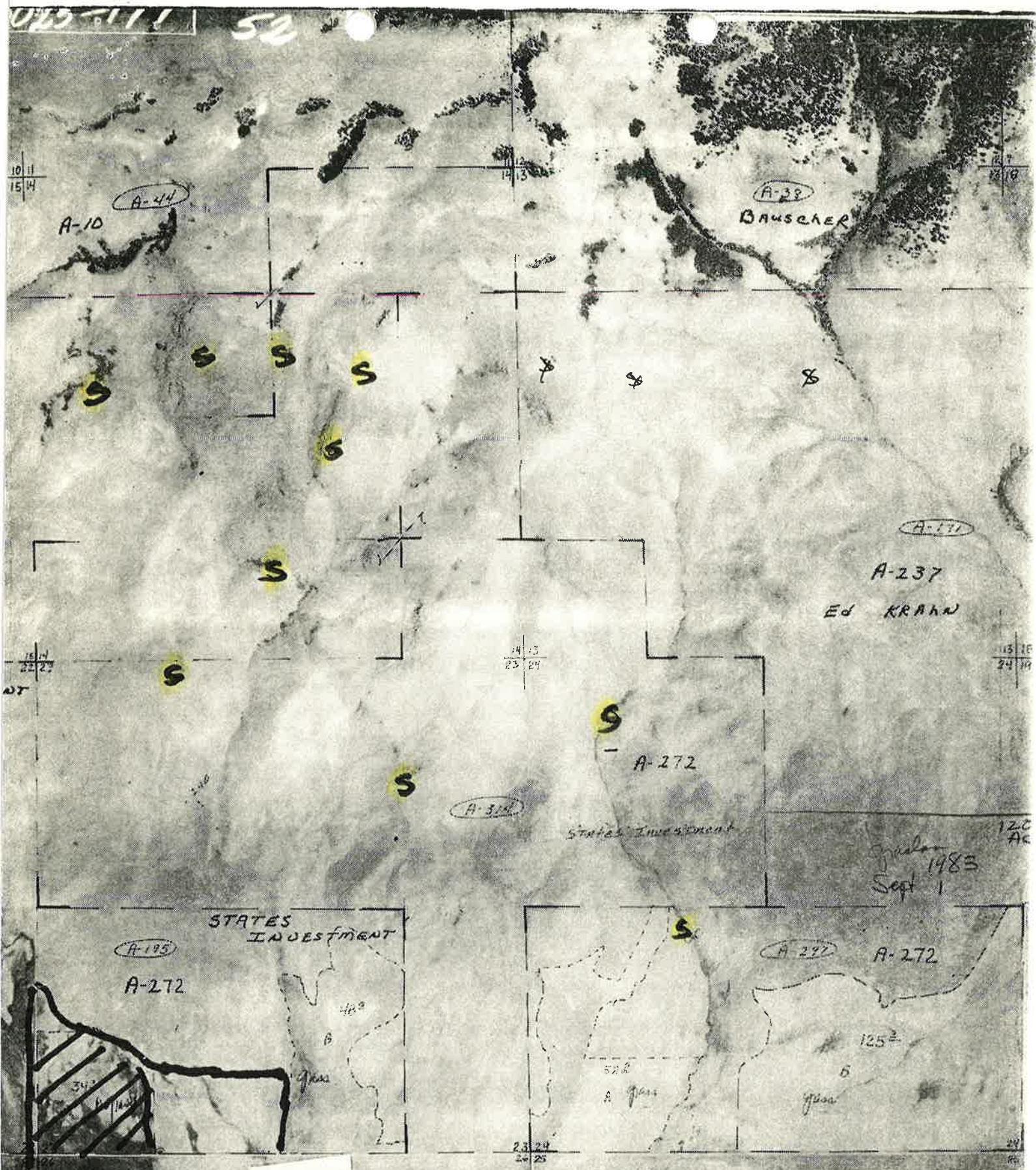
State of Idaho)
County of Ada) SS.

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



I-4

NOT-TO-SCALE MICROFILMED
FEB 23 1993

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

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 - License

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

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

Adjudication Claim Notes

Claim(s): 37-2190

Background Data

- Source is Lund Spring
- Licensed for 0.4 cfs for Domestic & Irrigation of 21 acres
- Claimed 0.4 cfs for Stockwater

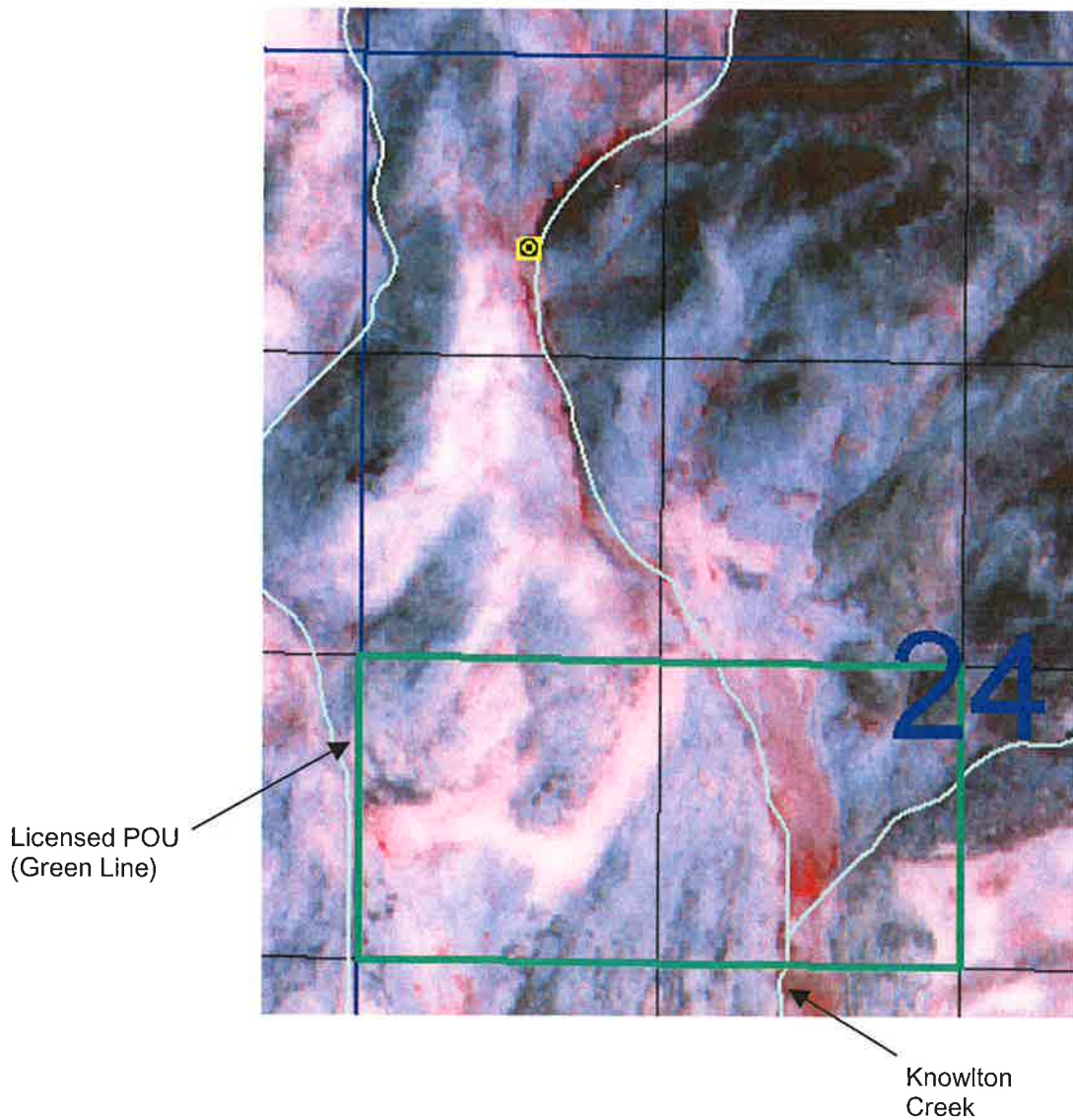
Place Of Use Data

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

T1N R14E Section 24

- 37-2190 is licensed for 0.4 cfs from Lund Spring for Domestic and Irrigation of 21 acres.
- The claim for 37-2190 is for 0.4 cfs for Stockwater from 10 springs (Lund Spring and 9 other unnamed springs).
- Based on consultation with Steve C., I will write a letter to the claimant outlining the following:
 - Only Lund Spring is listed on the License. To claim the stockwater use from the other springs the claimant must file a new beneficial use claim.
 - License is for Irrigation and Domestic uses. As claimed there is a change in the nature of the water use. The claimant needs to document this change in use by providing IDWR with information (number and type of stock, flow measurements, system description) that justifies 0.4 cfs for Stockwater use.
 - If the claimant does not submit documentation about the change in nature of use, the claim will be disallowed.
- Decided to recommend 0.02 cfs from Lund Spring for Stockwater with diminimus remarks and conditions.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 17, 2006

Royal Fork Restaurant Corporation
6874 Fairview Ave.
Boise, ID 83704

RE: Snake River Basin Adjudication claim 37-2190

Dear Royal Fork Restaurant Corporation,

Water right 37-2190 is licensed for 0.4 cfs from Lund Spring for Irrigation of 21 acres and Domestic use. For the Snake River Basin Adjudication (SRBA) you filed claim 37-2190 for 0.4 cfs for Stockwater from ten springs (Lund Spring and nine other unnamed springs). Since the claimed use is not licensed and the licensed uses are not claimed, you are claiming a change in the nature of use of this established water right. As presently claimed, water use claim 37-2190 will be disallowed for the SRBA. Further review in the SRBA of your claimed water use will occur if you do the following:

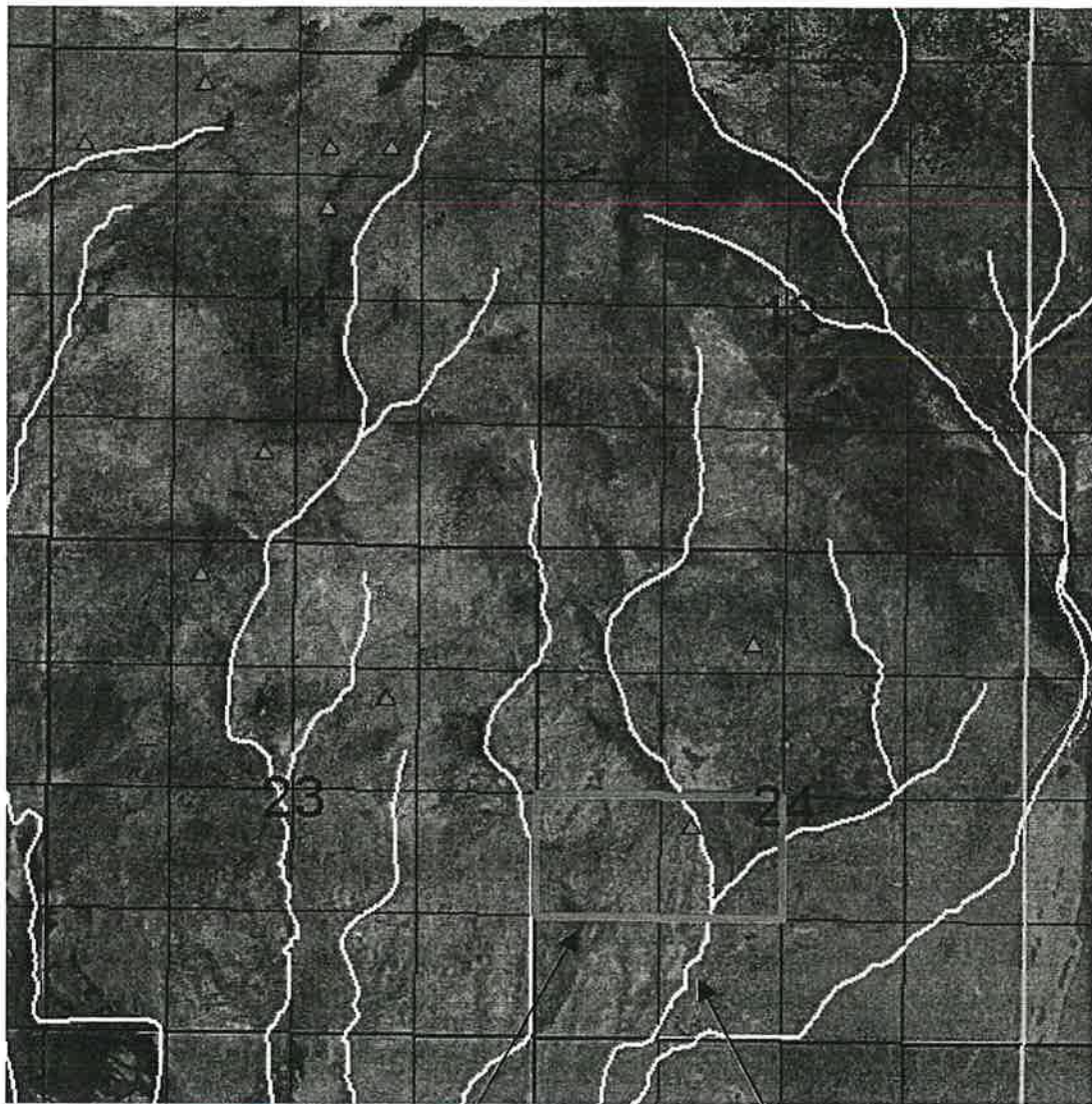
1. File a new beneficial use claim for the stockwater use from the nine springs other than Lund Spring.
2. Submit documentation to IDWR supporting the change in the nature of use of water right 37-2190 from 0.4 cfs for Irrigation and Domestic to 0.4 cfs for Stockwater. Useful information would be when the change in use occurred, the number and type of stock, description of the system (pond, trough, undeveloped, etc), flow measurements for the spring or delivery system, or any other information that justifies 0.4 cfs for Stockwater use.

I have enclosed the license for 37-2190 and a 2004 aerial photo showing the licensed place of use and the claimed springs. Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

2004 Aerial Photo



Licensed POU
(Green Line)

Knowlton
Creek

Blue triangles represent claimed springs

 Blaine County *
 Lund Spring *
 4/10ths second-foot *
 Irrigation *
 Priority 9/6/1910 *

S T A T E O F I D A H O

Water License No. 6601

WHEREAS, On the 6th day of September, A.D. 1910, B. F. WILSON, of Soldier, County of Blaine, State of Idaho, duly made application (No. 9534) to me for a permit to use 4/10ths of one cubic foot per second of the waters of LUND SPRING, County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 17th day of September, A.D. 1910, Permit No. 6601 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 17th day of September, A.D. 1912, and for the application to beneficial use of said water on or before the 17th day of September, A.D. 1912, and,

WHEREAS, On the 6th day of June, A.D. 1912, B. F. WILSON, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4/10ths of one cubic foot per second of said waters, as evidenced by my Certificate No. 6601, dated June 25th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/10ths of one cubic foot per second of water, with date of priority of September 6th, 1910, and,

WHEREAS, On the 6th day of June, A.D. 1912, B. F. WILSON, the holder of said permit, duly made proof of the application to beneficial use of 4/10ths of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to B. F. WILSON, of Soldier, County of Blaine, State of Idaho, the holder and owner of said Permit No. 6601, a perpetual right, dating from September 6, 1910, to the use of 4/10ths of one cubic foot per second of the waters of LUND SPRING, in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 24, Township 1 North, Range 14, East of the Boise Meridian, and conducted to and upon 21 acres, divided as follows: (9 acres in the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), and 12 acres in the Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 24, Township 1 North, Range 14, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of June, A.D. Nineteen hundred and twelve.

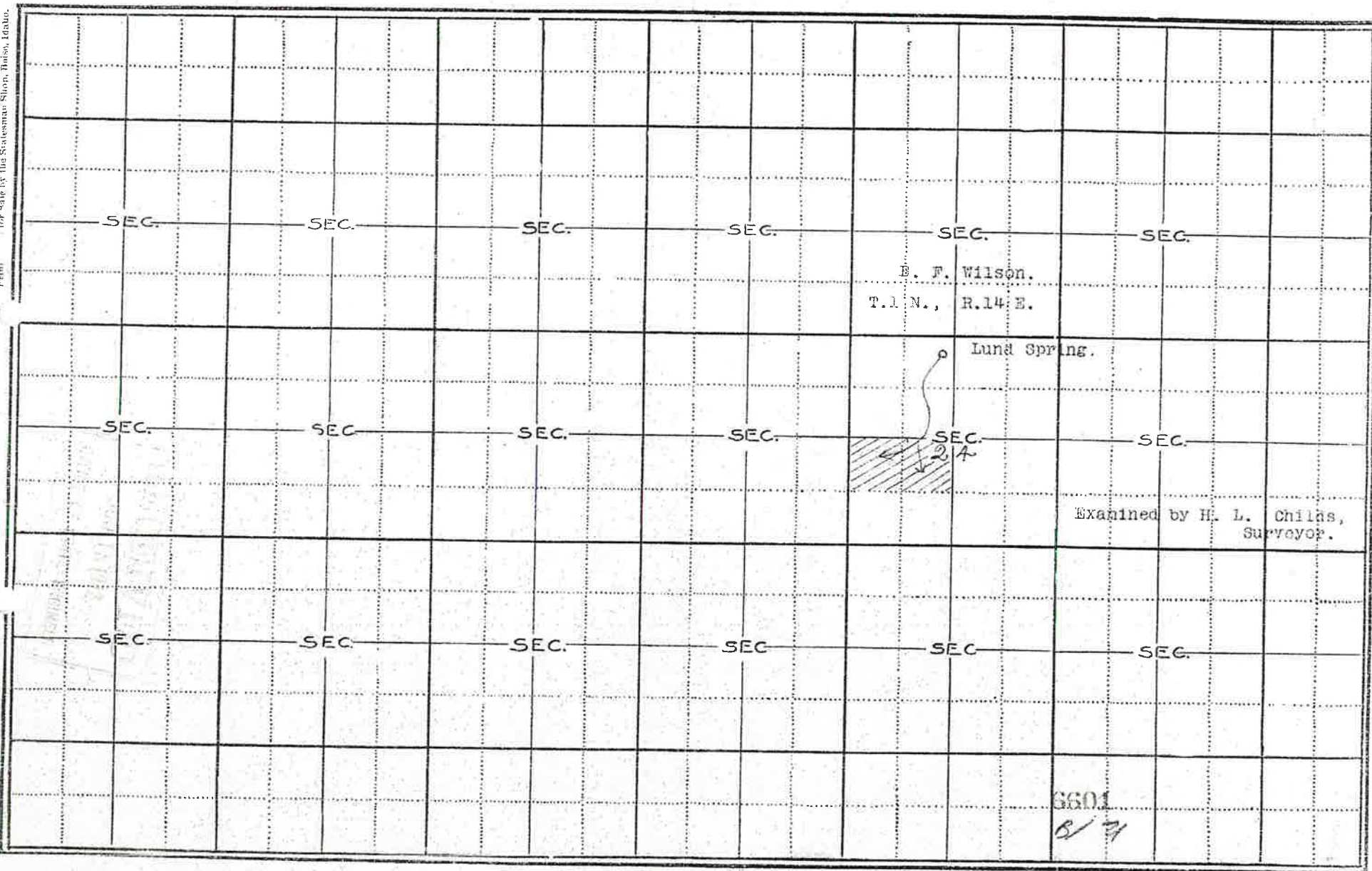
(SEAL)

A. E. Robinson.
 State Engineer.

37-2190

Point for Sale by the Statesman Shon, Boise, Idaho.

SCALE: 2 INCHES = 1 MILE. - AW PLAN IN INK.



 Blaine County *
 Lund Spring *
 4/10ths second-foot *
 Irrigation *
 Priority 9/6/1910 *

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WHEREAS, On the 8th day of June, A.D. 1912, B. F. WILSON, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4/10ths of one cubic foot per second of said waters, as evidenced by my Certificate No. 6601, dated June 25th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/10ths of one cubic foot per second of water, with date of priority of September 6th, 1910, and,

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WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of June, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson.
 State Engineer.

37-2190

Printed and for sale by the State Engineer, Boise, Idaho.

SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

