

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: A37-02695

Date Received:

Receipt No:

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: MAY 08, 1964

3. Source: LOVING CREEK

Trib. to: SILVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	13	SW	NW			BLAINE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	24.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

FISH/6 RACEWAYS 12' X 3' X 400'

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	13	SE	NW		FISH	

11. Place of use in counties: BLAINE

A37-02695

Page

1

Date: 07/16/90

MICROFILMED
FEB 23 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOCALLY KNOWN AS GRAHAM CK.
DIVERTING WORKS: STOP-LOG DIVERSION THROUGH OPEN DITCH TO
HATCHERY GROUNDS WITH PIPELINE TO RACEWAYS.

15. Basis of Claim: LICENSE

Water Right Number: 31871

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 _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

#29013

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: A37-02695
Date Received: 2/15/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: MAY 08, 1964

3. Source: LOVING CREEK

Trib. to: SILVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	13	SW	NW			BLAINE

5. Description of diverting works: *Stop-log diversion through open ditch to hatchery grounds with pipeline to raceways*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	24.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses: *Fish propagation 6 Raceways 12'x3'x400'*

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	13	SE	NW		FISH	

11. Place of use in counties: BLAINE

A37-02695

Page 1

Date: 02/15/89

MICROFILMED
FEB 23 1993

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

13. Other Water Rights Used:

14. Remarks:

LOCALLY KNOWN AS GRAHAM CK.

15. Basis of Claim: LICENSE

Water Right Number: 31871

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: _____

For Organizations:

I do solemnly swear or affirm that I am Director of
IDAHO DEPT. OF FISH & GAME Title

Organization, that I have signed the foregoing
document in the space below as Director of
IDAHO DEPT. OF FISH & GAME Title

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

Director, IDAHO DEPT. OF FISH & GAME
Signature of Authorized Agent
Title and Organization

June 20, 1990
Date

State of Idaho

County of

Ada

} SS.

Subscribed and sworn (or affirmed) before me this 20th day

of

June

19

90

Barth Baker
Notary Public

Seal

Residing at

Emmett Idaho

My Commission Expires

October 31, 1991

RECEIVED
01/06/2007
JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

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: 01/19/2007

Water right number: 37-2695

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

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:

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

DATE:

1/17/07

SIGNATURE:

Thomas S. Frew

Please print your name:

THOMAS S. Frew

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

SCANNED
JAN 23 2007

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

11/13/2006

RIGHT NUMBER: 37-2695

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: LOVING CREEK

QUANTITY: 24.000 CFS

PRIORITY DATE: 05/08/1964

POINT OF DIVERSION: T01S R19E S13 SWNW Within BLAINE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	24.000 CFS

PLACE OF USE: FISH PROPAGATION in BLAINE County
T01S R19E S13 SENW

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

Locally known as Graham Ck.
Diverting works: stop-log diversion through open ditch to hatchery grounds with pipeline to raceways.

WATER LICENSE

Water License No. 31871 Priority May 8, 1964 Amount 24.0 c.f.s.

THIS IS TO CERTIFY, that Idaho Fish & Game Department
of Boise, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated May 8, 1964; that Permit 31871 was issued pursuant
to said application; that the proposed works were completed on or about 1965
with a storage/or carrying capacity of 24.0 c.f.s., said works consisting of
pipe, earth ditch canal and hatchery ponds; and that on May 1, 1967
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of N.A.
acre feet per season, with a maximum rate of diversion of 24.0 cubic feet per second of the waters
of Loving (Graham) Creek, tributary of Silver Creek
for the purpose of Fish culture from January 1 to December 31
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T. 1 S, R. 19 E, B.M., and
other additional points _____, in the County of
Blaine; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed N.A. acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1 S</u>	<u>19 E</u>	<u>13</u>								<u>X</u>									

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

16th day of May, 1969.

R. L. Higgins
State Reclamation Engineer

37 2695

31871

