

200

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: A37-02782
Date Received: 6/19/1990
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: OCT 11, 1957

3. Source: DOG CREEK

Trib. to: DRY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	14E	1		NE	NW	3	GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31			375.00

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

375.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	14E	36	SW	NE		FISH	
			SE	NE		FISH	
			SE	NW		FISH	

10.. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	14E	36	NE		SW		FISH	
			SE		SW		FISH	
			NE		SE		FISH	
			NW		SE		FISH	
			SW		SE		FISH	
05S	14E	1	NW		NE	2	FISH	
			NE		NW	3	FISH	

11. Place of use in counties: GOODING

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: R1023

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
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
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 _____

4/5/1989.

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

ID F3

CLAIM DENT. NO.

A37-02782

DATE RECEIVED

6-19-90

CK #

1017346

AMOUNT \$

55.19

YES

NO

Require Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A *
- Is the consumptive use correct? ☒ YES ☐ NO N/A *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO NOW *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: letDate: 7-5-90

Claim must be returned to claimant:

(Yes)

(No)

Claimant must be notified of modifications:

(Yes)

(No)

Receipt Prepared by:

Claim data entered by: let

Sent to claimant by:

Date:

Date:

Date:

Checked by: letDate: 7-6Comments: 'C' flagMICROFILMED
FEB 23 1993

\$55.19

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: A37-02782
Date Received: 2/15/1989 6/9/90
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: OCT 11, 1957

3. Source: DOG CREEK Trib. to: DRY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	14E	1		NE	NW	3	GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
~~WILDLIFE STORAGE~~ Fish Propagation	0/01	12/31			375.00
~~WILDLIFE FROM STORAGE~~					~~375.00~~

7. Total Quantity Appropriated is:

C.F.S. (and/or) 375.00 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 of	Lot	Use	Acres
04S	14E	36	SW	NE		~~WILD S Fish P.~~	
			SE	NE		~~WILD S Fish P.~~	

A37-02782

Page 1

Date: 02/15/89

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	14E	36	SE	NW		~~WILD S~~	Fish P.
			NE	SW		~~WILD S~~	"
			SE	SW		~~WILD S~~	"
			NE	SE		~~WILD S~~	"
			NW	SE		~~WILD S~~	"
			SW	SE		~~WILD S~~	"
05S	14E	1	NW	NE	2	~~WILD S~~	"
			NE	NW	3	~~WILD S~~	"

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: R1023

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 Chief, Field Operations of
the Idaho Dept. of Fish & Game, that I have signed the foregoing
document in the space below as Acting Director of
the Idaho Dept. of Fish & Game and that the statements contained in the
foregoing document are true and correct.

Larry Mallet
Signature of Authorized Agent
Chief, Field Operations
Idaho Dept. of Fish & Game
Title and Organization
January 16, 1990
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of January 19 90

Kathryn Baker
Notary Public

Seal

Residing at Camontt, Idaho

My Commission Expires October 31, 1991
Date: 02/15/89

A37-02782

Page

3

MICROFILMED
FEB 23 1993

11/01/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 16 2006

DEPARTMENT OF FISH & GAME

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: 37-2782

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:

11/14/06

SIGNATURE:

Terry Gregory

Please print your name:

Terry Gregory

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

SCANNED
NOV 18 2006

04/03/2006

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

RIGHT NUMBER: 37-2782

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

SOURCE: DOG CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 375.000 AFY

PRIORITY DATE: 10/11/1957

POINT OF DIVERSION:

T05S R14E S1 NENENW Lot 3 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION STORAGE	01/01 12/31	375.00 AFY

PLACE OF USE:

FISH PROPAGATION STORAGE Within GOODING County

T04S R14E S36	SWNE	T04S R14E S36	SENE
T04S R14E S36	NESW	T04S R14E S36	SESW
T04S R14E S36	NESE	T04S R14E S36	NWSE
T04S R14E S36	SWSE	T05S R14E S01 Lot 2	NWNE
T05S R14E S01 Lot 3	NENW		

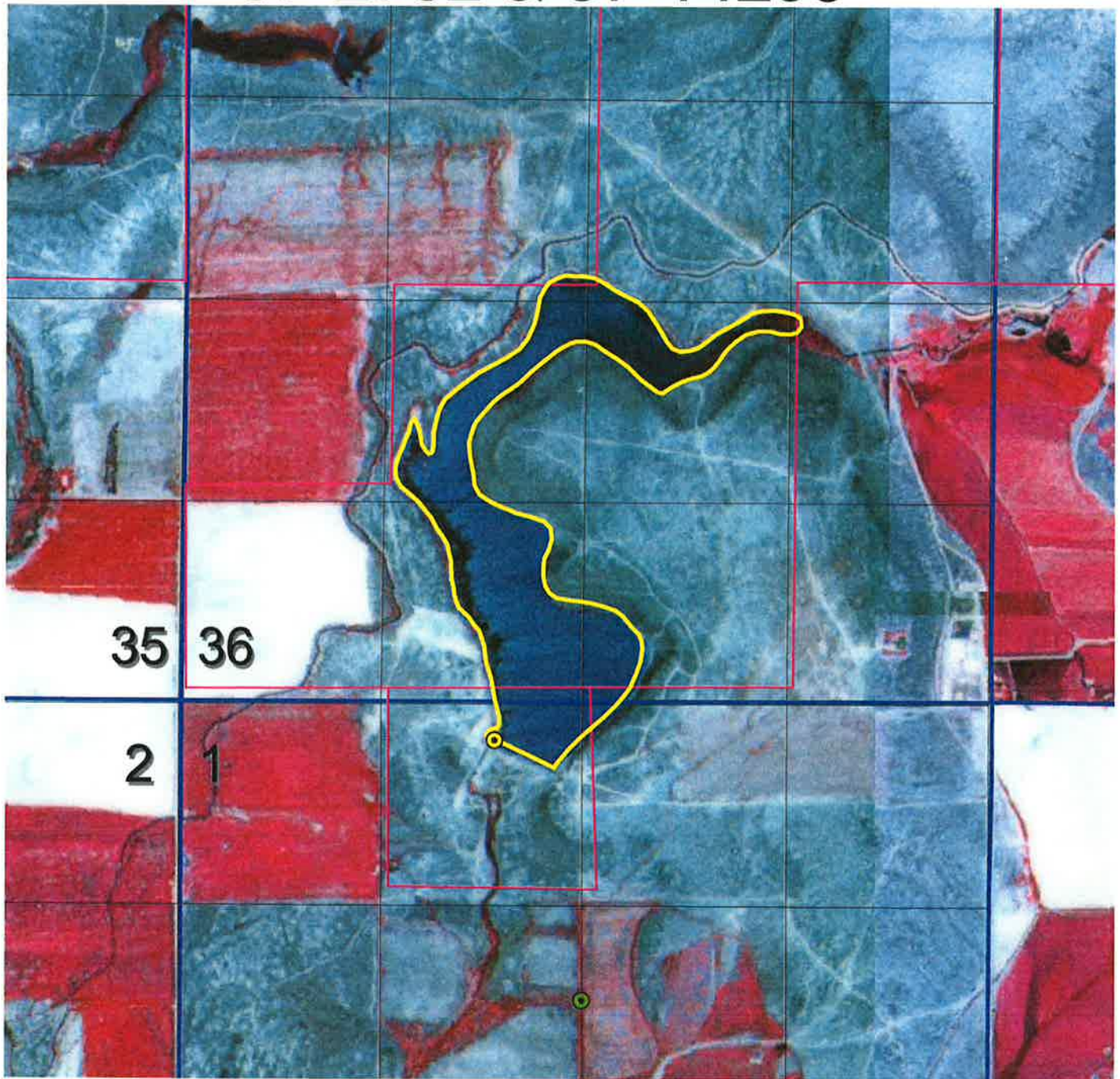
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

IDAHO DEPT OF WATER RESOURCES

37-2782 & 37-14295



1320 0 1320 Feet

-  Basin 37 part 2-POU
-  Basin 37 part 2-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 4S, 5S
RNG: 14E
SEC. 1, 36



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 3, 2006

Adjudication Claim Notes

Claim(s): 37-2782, 37-14295

Background Data

37-2782

- Source is Dog Creek tributary to Dry Creek
- Licensed for 375 AF for Wildlife Impoundment & Storage
- Claimed for 375 AF for Fish Propagation

37-14295

- Beneficial Use Claim
- Source is Dog Creek tributary to Dry Creek
- Claimed for 175 AF for Fish Propagation

Place Of Use Data

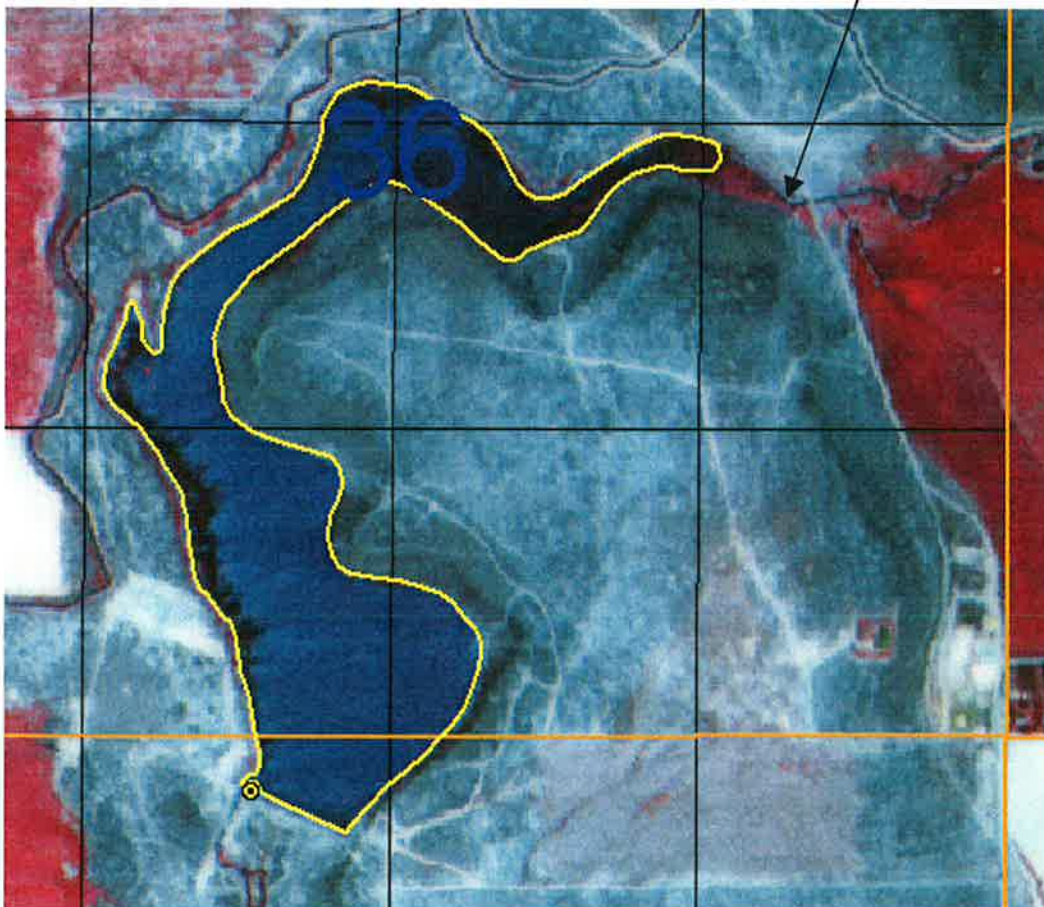
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

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

Dog Creek



Notes

T4S R14E Section 36; T5S R14E Section 1

- POU created from 1987 aerial photos.
- POD is the outlet at the dam.
- 37-2782 was licensed for 375 AF. The license documents indicate that the capacity of the reservoir was 550 AF (listed incorrectly as 650 AF on license and certificate of completed works) upon completion of dam in 1957. A letter from Helen Harrington-Thornton indicates dam safety documents show that the reservoir stored 550 AF in February 1967.
- Recommend 37-14295 with February 31, 1957 priority date.
- 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

License and Certificate of Water Right

Water License No. R-1023

Amount 375 ac. ft.

Water District No.

Priority October 11, 1957

THIS IS TO CERTIFY that STATE OF IDAHO, DEPARTMENT OF FISH AND GAME

of Boise, Idaho

, made application for a permit to appropriate the

public waters of the State of Idaho, dated October 11

, 1957 ; that Permit No. R-1023

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

650 ^{acre} ~~square~~ feet, was issued thereunder on October 14

, 1958 , showing that said works

were completed on the 3 rd day of September

, 1958 ; and that on the 14th

day of July

, 19 59 ,

STATE OF IDAHO, DEPARTMENT OF FISH AND GAME

of Boise

, State of Idaho

, made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of Dog Creek

, a tributary of Dry Creek

, for the purpose of propagation of wild life,

, under Use Permit No. R-1023

impoundment and storage

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 6868 , on the 4th day of February

, 19 60 ;

The right hereby confirmed dates from October 11

, 19 57 ;

Outlet

The Point of ~~Division~~ is located NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3)

in the

 $\frac{1}{4}$

, Sec. 1

, Tp. 5 S

, R. 14 E

, B. M. Gooding County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

not exceed 375

^{acre}square feet ~~per second~~.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	14 E.	36	PROPAGATION OF WILDLIFE, IMPOUNDMENT AND STORAGE IN SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$		
5 S.	14 E.	1			
			Total 95 acres		

The right to the use of the water aforesaid 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

4th day of

February

, 19 60 .

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

Permit No. R-1023

Certificate of Completion of Works

To All Whom It May Concern:

This is to certify that STATE OF IDAHO - DEPARTMENT OF FISH AND GAME of Boise, County of Ada and State of Idaho, the holder of Permit No. R-1023, issued upon Application No. R-35020, bearing date of priority of October 11, 1957 authorizing the construction of a reservoir, with the right to appropriate and store 650 acre feet per annum of the waters of Watershed of Dog Creek, a tributary of Dry Creek, a tributary of Big Wood River and irrigation waste waters of Big Wood Canal Company, in the County of Gooding, State of Idaho, for Propagation of wildlife, impoundment, storage and irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 650 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the Lot 3 of Section 1, Township 5 S., Range 14 E. BM, and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: 95 acres Twp. 4 S., R. 14 E. B.M., Sec. 36, SW $\frac{1}{4}$ NE $\frac{1}{4}$ (2), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (1), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (2), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (25), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (30), NE $\frac{1}{4}$ SE $\frac{1}{4}$ (5), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (15), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (5); Twp. 5 S., R. 14 E. B.M., Sec. 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ (1), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (9); comprising 95 acres, more or less.

Witness my hand this 14th day of October, 1958/

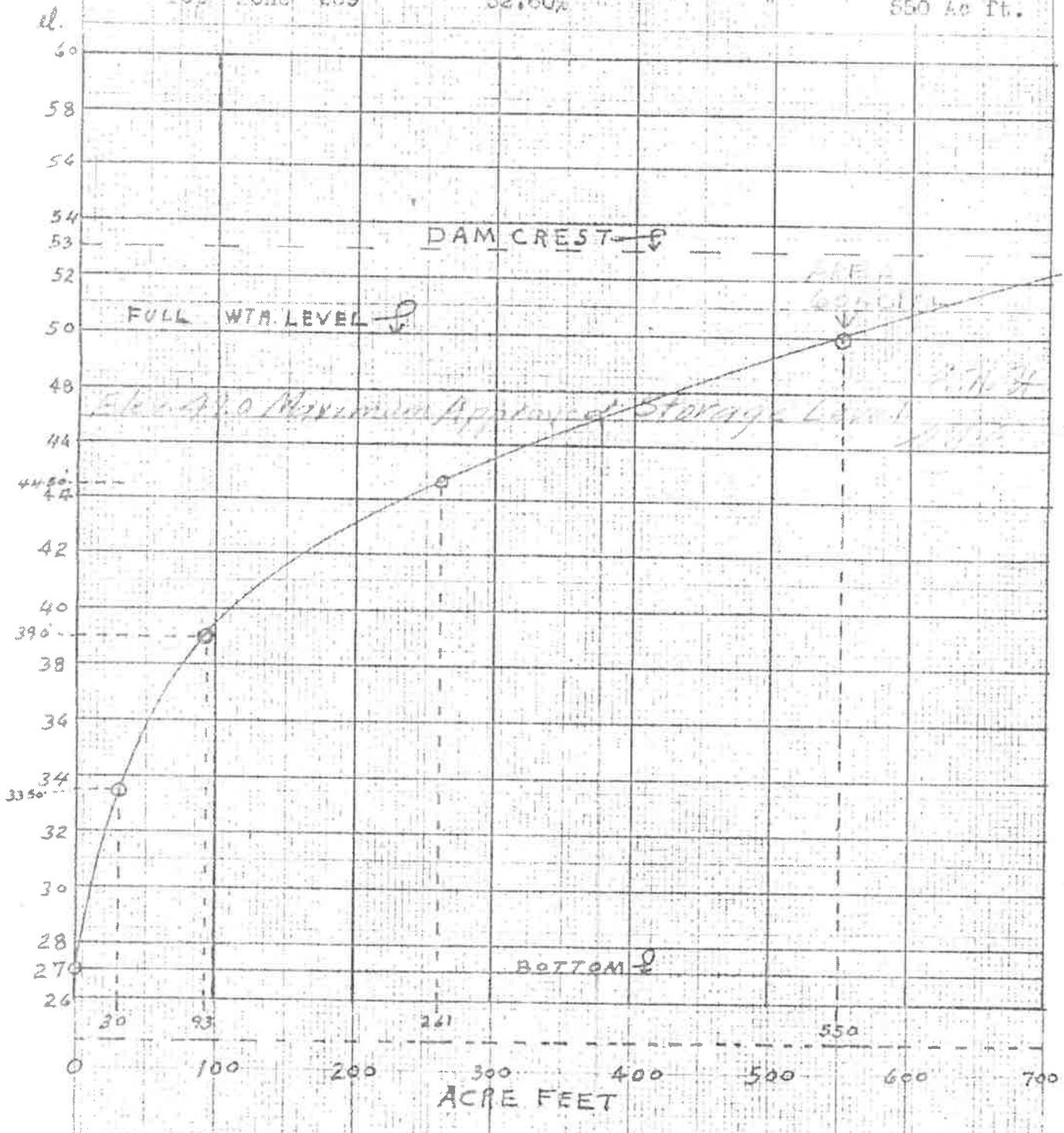
/s/ Geo. N. Carter
State Reclamation Engineer

Acres
LICENSE ISSUED FOR 325 SEC. FT.
Page 6868

STATE OF IDAHO- DEPT. OF FISH & GAME- DOG CREEK DAM 1957.

Reservoir Dept-Capacity curve, and cumulative data.

Each zone 5.5' deep and 25% of total depth of 22', els. 1-534.
 Bottom Zone 30 acre ft, 5.45% of total; -cumulative 30 ac ft
 Second Zone 63 " " 11.45% " " 93 ac ft
 Third Zone 168 " " 30.50% " " 261 ac ft
 Top Zone 289 " " 52.60% " " 550 Ac ft.



375 acre ft

P. 1023