

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: A37-04131

Date Received: 12/19/1988

Receipt No: C004033

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL S. ENGL
Address: P.O. BOX 2500
SUN VALLEY, ID 83353
208-726-8151

2. Date of Priority: JUN 01, 1938

3. Source: SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	31	SE	NE	SW		BLAINE

5. Description of diverting works:
SMALL MAN-MADE LAKE AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.090		
FISH PROPAGATION	01/01	12/31	0.060		2.00
RECREATION	01/01	12/31	0.060		2.00

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) 2.00 A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
R/BOATING, SWIMMING, FISHING; FISH PROP.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	18E	31	NE	SW		IRR	3.0

A37-04131

Page 1

Date: 12/19/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	31	NE NE	SW SW	FISH REC	
Section Acres						3.0
Total Acres						3.0

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:
A37-04130

14. Remarks:

THIS IS SMALLER PORTION OF MAN-MADE LAKE ON PRIVATELY OWNED PROPERTY. PRIORITY DATE IS DATE ORIGINAL RESIDENCE WAS CONSTRUCTED ON THE PROPERTY. IRRIGATED ACREAGE MORE ACCURATELY MEASURED THAT AT TIME OF FILING STATUTORY CLAIM.

15. Basis of Claim: STATUTORY 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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

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: 39356
Ident Number A37-0413
Date Received 10/27/88
Receipt Number 0004033

RECEIVED

OCT 27 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Michael S. Engl
Phone: (208) 726-8151
Mailing Address: P. O. Box 2500
Sun Valley, ID 83353
2. Date of Priority: June 1, 1938
3. Source of water supply (a) Springs
which is tributary to (b) Unnamed stream
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
4N	18E	31	SE	NE	SW		Blaine

Additional points of diversion if any: None.

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: Flow of numerous springs was dammed to form a small lake (see 37-4130). The outlet of this lake was then dredged and the resulting flow was dammed to form a second, smaller portion of the same lake with storage capacity of approx. 2.0 AF. Water is pumped from the lake to residential sprinkler irrigation system.

COPY

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6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Recreation	January 1	December 31	0.06 cfs / 2.0 AF
Fish Propagation	January 1	December 31	0.06 cfs / 2.0 AF
Irrigation	April 1	November 1	0.09 cfs

7. Total Quantity Claimed: 0.09 cfs / 2.0 AF

8. Total consumptive use claimed is 7.5 acre feet per annum.

9. Non-irrigation uses: Recreation - boating, swimming, fishing; fish propagation - private lake.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
4N	18E	31	NE	SW	R/H/I	3

Total number of irrigated acres: 3

11. Place of use is located in Blaine County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above? 37-4130.

14. Remarks: This is smaller portion of man-made lake on privately owned property. Priority date is date original residence was constructed on the property. Irrigated acreage more accurately measured than at time of filing statutory claim.

Last Name: Engl

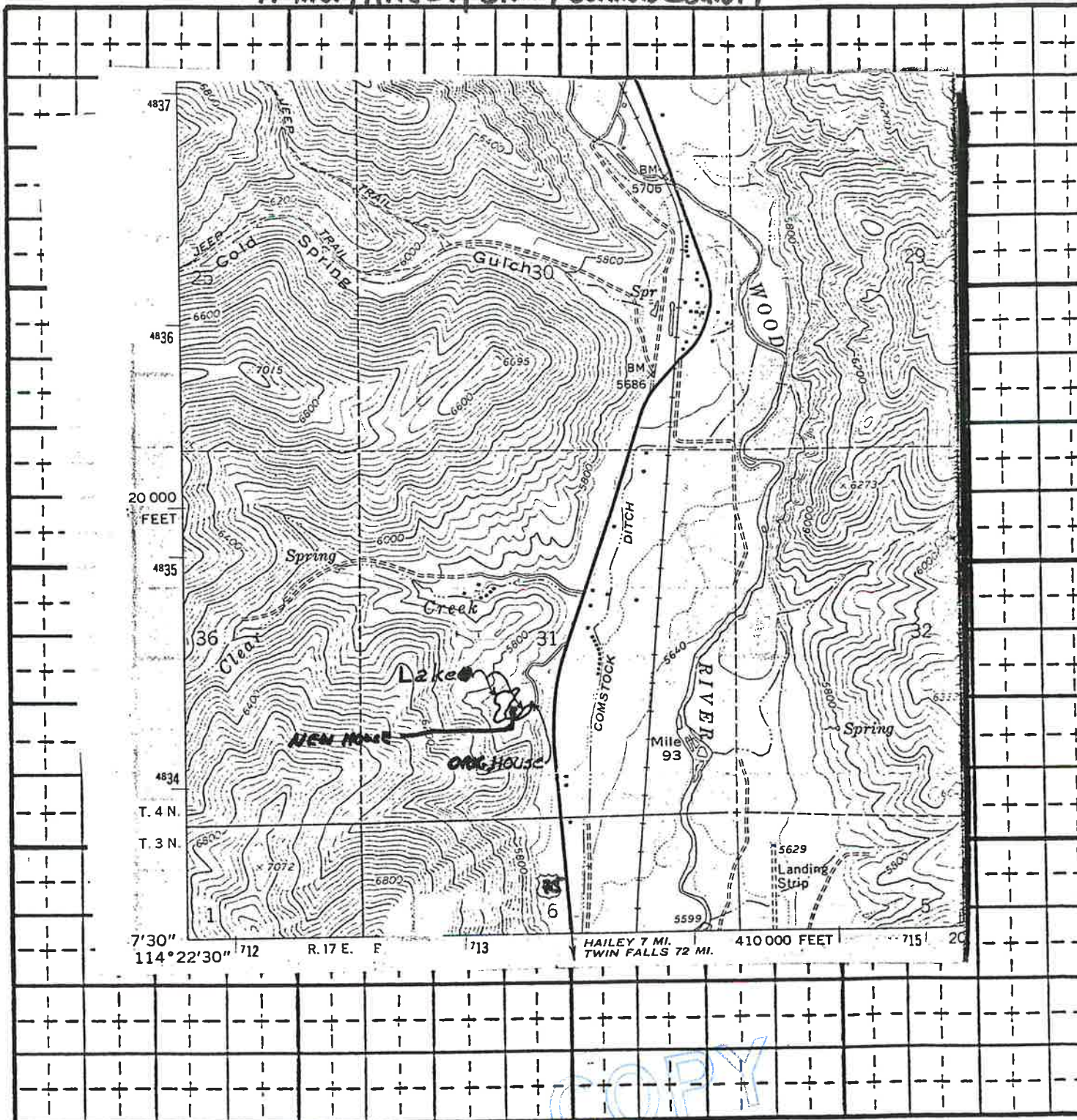
Ident No. _____

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 4 N., R. 18 E., B. M., BLAINE COUNTY



Last Name

ENGL

Ident No.

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FEB 2 3 1993

Copies: White State, Yellow-Caimant

15. Basis of Claim: Beneficial Use
IDWR Water Right Number: 37-4131
Court:
Case Number:
Decree Date:
Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____

Date 10/24/88

Date _____

State of IDAHO)
County of BLAINE) ss.

Subscribed and sworn before me this 26 day of October, 1988.

Notary Public James P. Speck

Residing at East Fork, ID

Commission Expires 1/22/91

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: _____

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 10/24/88

COPY

Last Name: Engl
a2:\engl2.clm

Ident No.: _____

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FEB 23 1993



31

01/06/2011

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

RIGHT NUMBER: 37-4130

NAME AND ADDRESS: MICHAEL S ENGL
PO BOX 2500
SUN VALLEY ID 83353

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 5.000 AFY

PRIORITY DATE: 01/21/1910

POINT OF DIVERSION:

T04N R18E S31 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	5.00 AFY
Recreation use of this water is for a 2-acre surface area pond.		

PLACE OF USE: RECREATION in BLAINE County

T04N R18E S31 NESW

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 - Beneficial Use

01/06/2011

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

RIGHT NUMBER: 37-4131

NAME AND ADDRESS: MICHAEL S ENGL
PO BOX 2500
SUN VALLEY ID 83353

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.090 CFS
10.500 AFY

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION:

T04N R18E S31 SENESW 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	0.090 CFS 10.50 AFY
RECREATION	01/01 12/31	0.060 CFS 1.00 AFY

Recreation use is for a 3/10-acre surface area pond.

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S31 NESW 3.00

RECREATION in BLAINE County

T04N R18E S31 NESW

3 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 . Beneficial Use



Jones, Doug

From: Jones, Doug
Sent: Thursday, January 06, 2011 4:07 PM
To: 'Jim Speck'
Subject: Engl proposal

I didn't realize this was going to be so difficult. My apologies to you for the delays. Some explanation for the elements of each recommendation.

37-4130:

Priority date of 1910 for this B/U right was supported by the license exam for 37-2125.

That exam established that there was a 5 acre-foot pond as part of the property, so that is what I recommended. I do not know where the 23 af claimed came from! The condition put in Purpose of Use establishes the 2 acre surface area to satisfy the objectors, as I understand it.

I don't think any other conditioning was called for, but please let me know if something needs to be clarified.

37-4131:

Between you and I ... there is no corroborating information in any of the files for priority date or extent of use. The claim map is sparse and hand drawn.

Spatial work indicates a generous 3/10 acre foot print of the small pond and assuming an average of 3 ft then the volume is 1 af.

I put the pod at the point the small pond tails out of the larger pond.

1964 and 1969 imagery do not really indicate any irrigation besides riparian and trees down the draw, and perhaps a little around the original house. I drew some strips along the access roads and some of the broad areas north of and near the original house and only came up with about 1.5 ac – none of which looks irrigated in 1969 and earlier – and it is attached to the 3 acre POU.

That said I didn't want to just pull the plug on the irrigation so I went forward with it. However, I attached 3.5 af per acre to the 3 acres and then included the 1 af pond volume in the total volume of 10.5 afa. I know we usually don't include volume on SW recommendations, but the objectors may be mollified by the quantification and overall I think the recommendation is a generous settlement proposal.

You can look at the mapping information tomorrow over the web (I think), or contact me and I'll put something together on Monday. I have included a scan of a 2009 image FYI (PS disregard the dot on the hillside north of the big pond-it's a "nominal" well location). You can get with the client and sketch whatever you'd like on it if you need to.

Hope this comes close and we can put these to bed. Thanks!

Doug



engl.pdf

C. **CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:**

Name: Michael D. Engl
Address: P. O. Box 2500, Sun Valley, ID 83353-2500

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be: ☐
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☐ **I object because:**

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

- Diversion rate should be 1"/acre of surface area of ponds for recreation use.
- Measuring devices should be installed on inflow and outflow of pond.
- Period of year should be limited to irrigation season.
- Volume of pond should be measured annually.

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris

Big Wood Canal Company

By: _____

Albert P. Barker, Attorney

By: _____

Craig Hobdey, Attorney

F.

VERIFICATION

State of IDAHO)
) ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

Water Right Number - 37-04131

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
ENGL

MICHAEL S.

1 - P.O. BOX 2500

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1938 17 S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS BIG WOOD RIVER+ - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
04N 18E 31 NE SW (13) BLAINE 272.0 386.0 0.5+ - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/15 0.040
19 - FISH PROPAGATION 01/01 12/31 2.00
46 - RECREATION 01/01 12/31 2.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.040 2.00+ - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
04N 18E 31 NE SW 2.0 01 IRRIGATION (13) BLAINE

Total Acres: 2.0

+ - - Diversion Means - SMALL MAN-MADE LAKE AND PUMP

+ - - Non-Irrigation Use - R/BOATING, H/PRIVATE LAKE

+ - - Other Rights for Same Use -

+ - - - - - - - Remarks - - - - - +
No Remarks found.+ - - - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000MICROFILMED
FEB 23 1993

Water right number - 37-04131

Adj. flag translation: Standard Water Right Number

+ - - Microfilm Rolls -

+ - - Audit Fields - 05/21/86

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	- 05/21/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
FEB 23 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Engl

CLAIM IDENT. NO.

A37-04131

DATE RECEIVED

10/27/88

CK #

8677

AMOUNT \$

215.00

YES

NO

1. Is the name and address complete with zip code?

✓

2. Is a priority date entered?

✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

✓

(b) Is a tributary to entered? (if required)

N/A

named stream

4. Is the legal description of the p.d. sufficient?

✓

5. Is there a description of the diverting works?

✓

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.

✓

Is the period of use included?

✓

Is a quantity claimed for each use?

✓

7. Is a total quantity claimed entered?

✓

8. If required is a consumptive use entered?

N/A

✓

Is the consumptive use correct?

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.

N/A

✓

10. Is (are) the place(s) of use and purpose(s) indicated?

✓

11. Is (are) the county(ies) entered?

✓

12. Is the ownership of p.u. checked?

✓

13. Are other water rights listed or "none" indicated?

✓

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.)

N/A

✓

15. Is the basis of the claim indicated?

✓

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

✓

Has the claim been signed, sealed, and dated by a notary?

✓

Was this claim filed on time, or was an extension granted?

✓

Is the fee enclosed correct?

Exempt

✓

If this claim is based on an existing water right, has the identification number been entered?

N/A

✓

Should this claim be receipted and data entered?

✓

Claim checked by:

MICROFILMED
FEB 23 1993

Comments: