

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 37-7122
Date Received: 1/1/1900
Receipt No: 5026101
Received By: KKE

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KENT WOKERSIEN Phone: (208)733-4142
2020 FALLS AVE E
TWIN FALLS ID USA 83301

2. Date of Priority: 01/22/1972

3. Source: SPRINGS Trib. to: BRUSH CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	14E	34	SW NW SE	CAMAS	

5. Description of diverting works:

1000 GAL. STORAGE TANK, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.12	

7. Total Quantity Appropriated is:

0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 3

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	14E	34	NW SE	DOMESTIC	

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:

the use for this property is in home use only for three homes.

LICENSE INCORRECTLY DESCRIBES TRIBUTARY AS "BRUSH CABIN CREEK." LICENSE ALSO INCORRECTLY DESCRIBES THE PLACE OF USE. SEE ATTACHED MAP FOR EXACT LOCATION OF THE 3 HOUSES.

15. Basis of Claim: License

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): Kent J. Johnson Date: SEPT 5 03

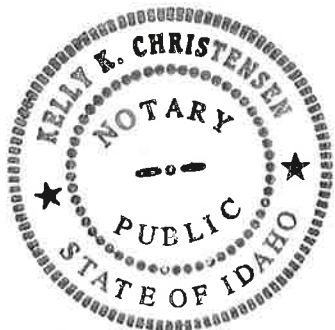
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day of Sept 2003

Kelly K. Christensen
Notary Public

Residing at Twin Falls
My commission Expires 3-11-04



03/02/2006

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

RIGHT NUMBER: 37-7122
NAME AND ADDRESS: KENT WOKERSIEN
2020 FALLS AVE E
TWIN FALLS ID 83301
SOURCE: SPRING TRIBUTARY: BRUSH CANYON CREEK
QUANTITY: 0.120 CFS
3.600 AFY
PRIORITY DATE: 01/22/1972
POINT OF DIVERSION:

T02N R14E S34 SWNWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.120 CFS 3.60 AFY

PLACE OF USE: DOMESTIC Within CAMAS County
T02N R14E S34 NWSE

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

Original license incorrectly describes tributary as "brush cabin creek" and also incorrectly describes the place of use as NWNE, Section 3, Township 1N, Range 14E.

11/01/2006

NOTICE OF ERROR
REPLY

RECEIVED
NOV 15 2006
DEPARTMENT OF
WATER RESOURCES

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: 37-7122

KENT WOKERSIEN
2020 FALLS AVE E
TWIN FALLS ID 83301

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: Nov. 14 - 06

SIGNATURE:

Kent T. Wokersien

Please print your name:

KENT T. WOKERSIEN

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

SCANNED
NOV 18 2006

Adjudication Claim Notes

Claim(s): 37-7122

Background Data

- Source is Unnamed Springs tributary to Brush Canyon Creek
- Licensed for 0.12 cfs for Domestic
- Claimed for 0.12 cfs for Domestic

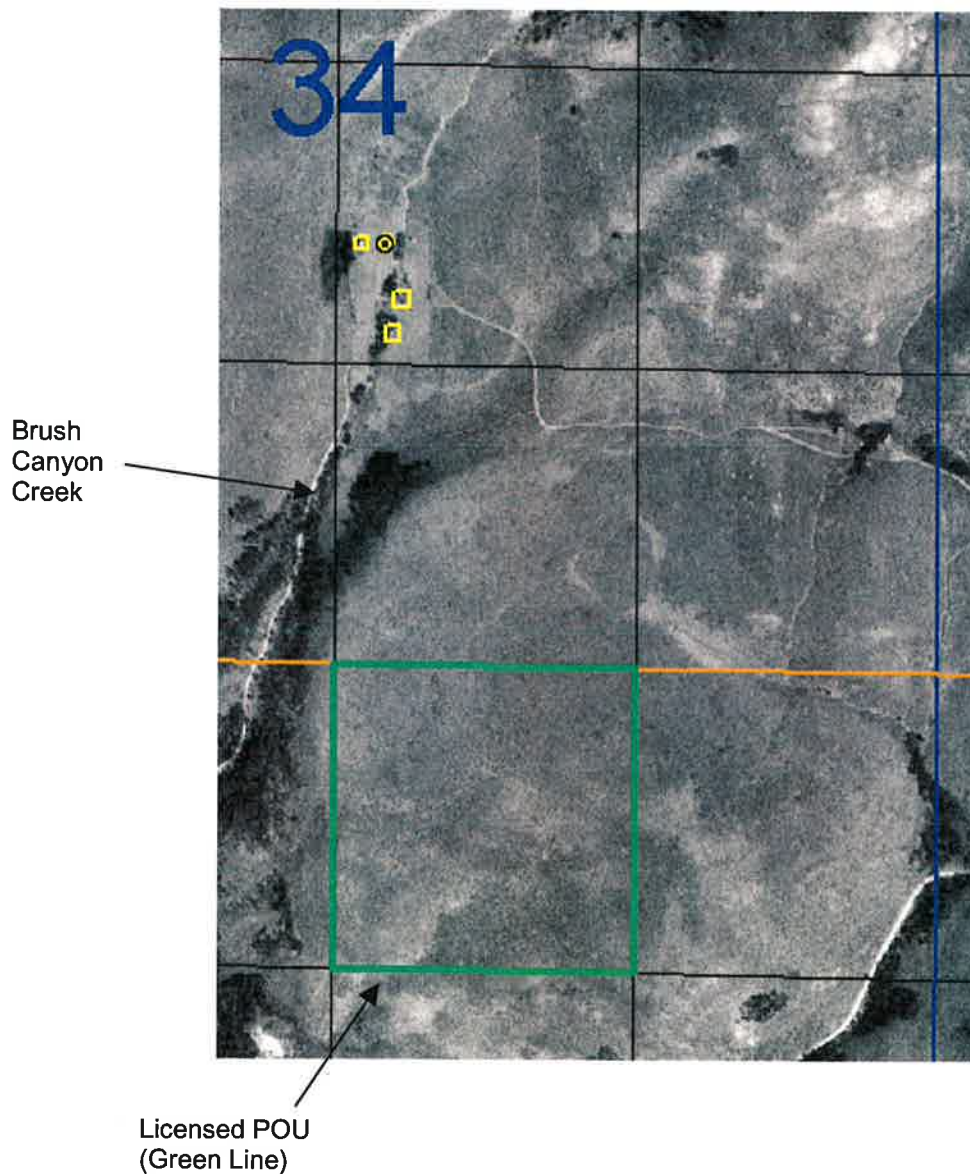
Place Of Use Data

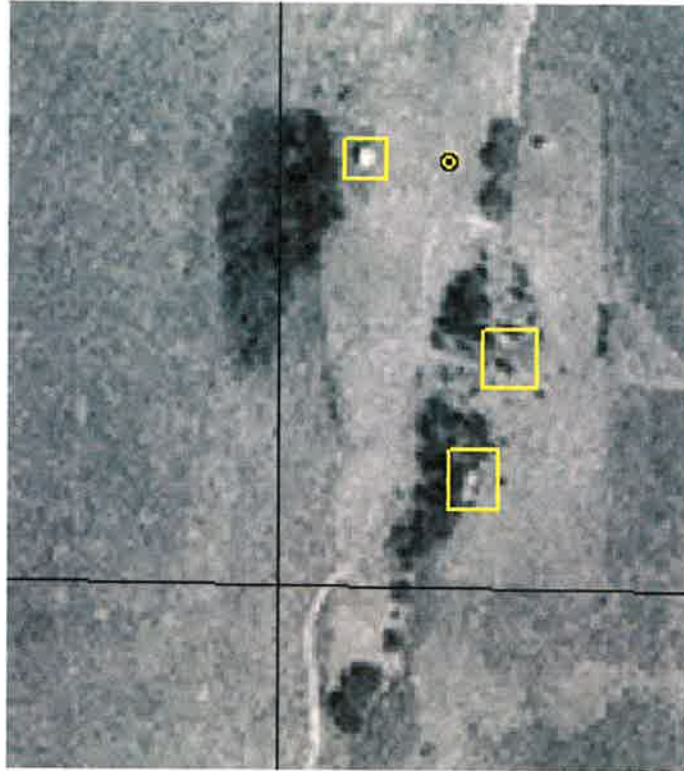
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

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





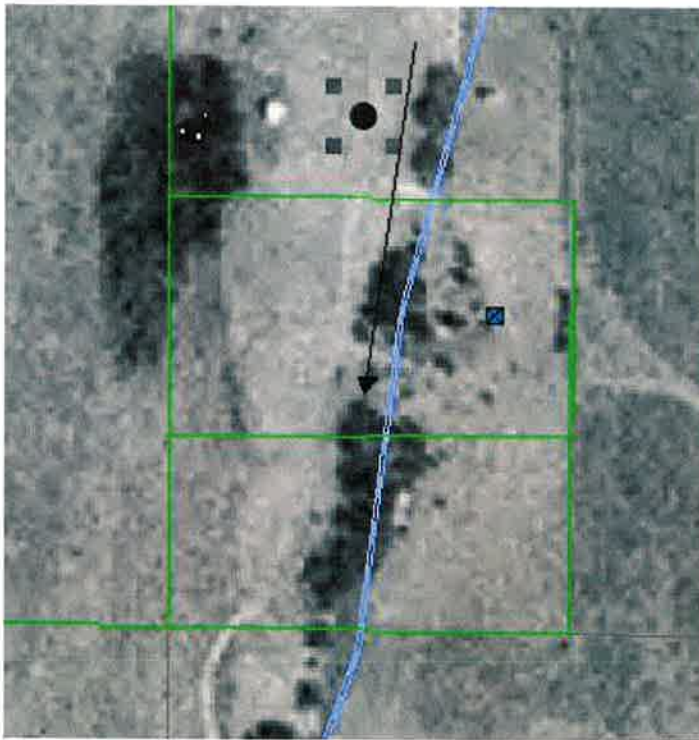
Notes

T2N R14E Section 34

- POD digitized based on in-office visit by claimant
- POU created based on telephone conversation with Kent Wokersien. Consists of 3 cabins.
- Source is listed incorrectly on license, according to USGS 24K it should be: Springs tributary to Brush Canyon Creek
- POU appears to be listed incorrectly on license.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Tue 11/1/2005 1:42 PM

Kelly Christensen



Kent Wokersien
visited IDWR office in
Twin Falls on 11/1/05

Point of diversion location identified by Wokersien. Legal 2N, 14E, Sec 34 NWSE. He said that he dug a hole and pumps from the hole but that the water is hydrogically linked to Brush Canyon Creek. It sounds reasonable to me.

He also discussed another claim that he turned over to his neighbor. It appears that it would be WR 37-13082. This has already been decreed. It is located in a different 40-acre tract. ~~Point of diversion location identified by Wokersien. Legal 2N, 14E, Sec 34 NWSE. He said that he dug a hole and pumps from the hole but that the water is hydrogically linked to Brush Canyon Creek. It sounds reasonable to me.~~ He also discussed another claim that he turned over to his neighbor. It appears that it would be WR 37-13082. This has already been decreed. It is located in a different 40-acre tract.

Anders, Matt

From: Christensen, Kelly
Sent: Tuesday, November 01, 2005 1:45 PM
To: Anders, Matt
Subject: re last e-mail

I tried to e-mail directly from word. It worked except for the photo and arrow locations. The dot represents the point of diversion. The arrow represents a repositioning of the one I drew and has no meaning. Otherwise it should be o.k.

Kelly

ps any questions let me know.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7122 Priority (late proof)
January 22, 1972 Amount 0.12 cfs

THIS IS TO CERTIFY, that WILLIAM F. STEWART
of Fairfield, Idaho, has complied with the terms and conditions of Permit
No. 37-7122 issued pursuant to Application for Permit dated December 22, 1971,
and has submitted proof to the Department of Water Resources on March 4, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.12 cfs of water from unnamed springs,
tributary to Brush Cabin Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (3 homes)	from <u>January 1</u> to <u>December 31</u>	at <u>0.12</u> cfs and	<u>3.6</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.12 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.6 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, Twp. 2N,
Rge. 14E, B. M. in the County of Camas

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 $\frac{1}{4}$	
IN	14E	3																	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
April, 19 79.

Deputy Director

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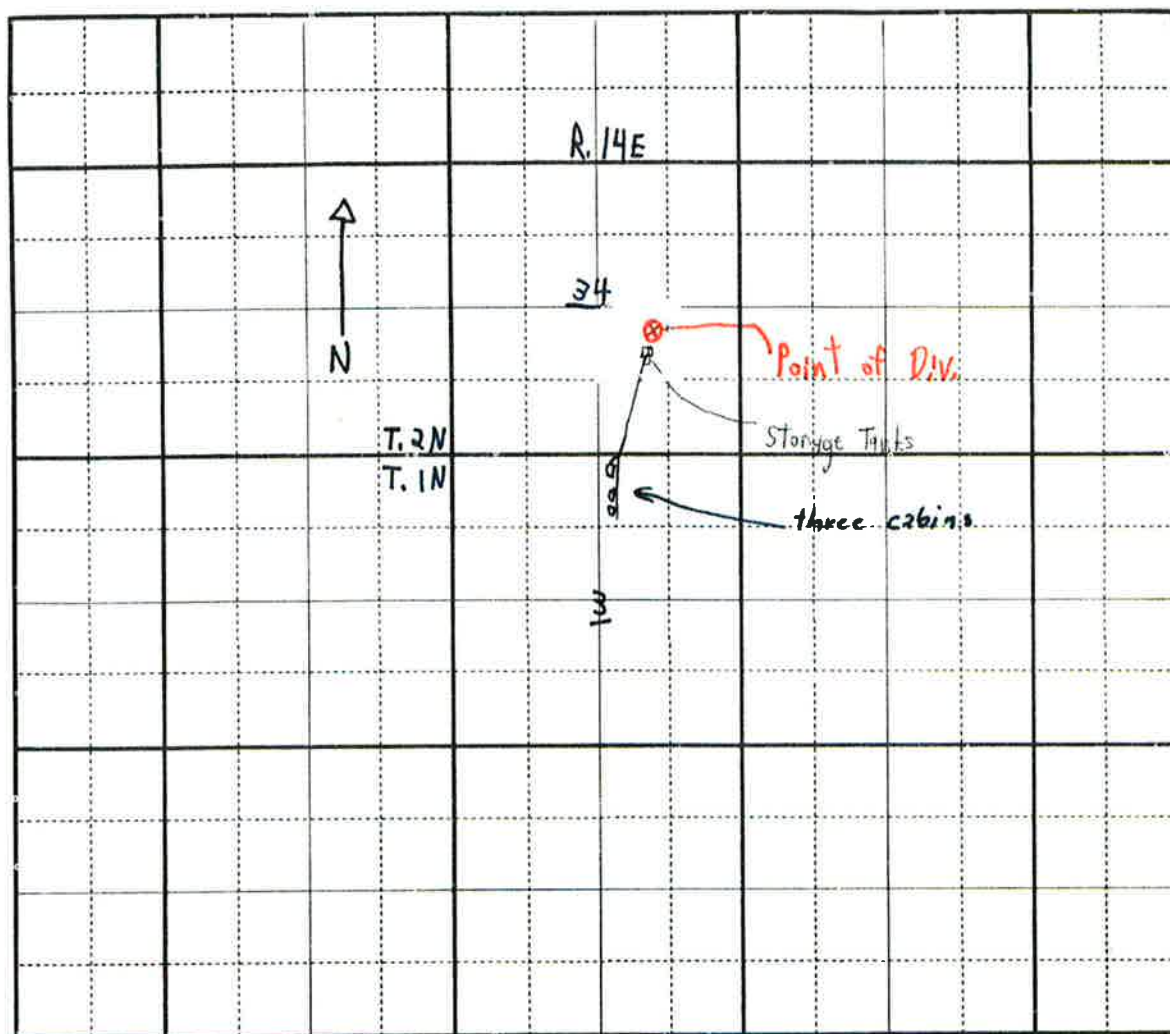


Diagram of System