

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: A37-13215
Date Received: 10/25/1989
Receipt No: W-6710
Received By: hzh

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: JUN 30, 1883

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
IN-STREAM STOCK WATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	14E	34	NW	NE		IRR	40.0
			NE	NW		IRR	40.0

A37-13215

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Date: 10/27/89

MICROFILMED

FEB 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	14E	34	NW NW		IRR	40.0

Section Acres 120.0

Total Acres 120.0

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:

THIS IS A COMBINED RIGHT BASED ON PORTIONS OF DECREED WATER RIGHTS A37-00220 AND A37-00221 FOR .533 CFS AND 1.0667 CFS RESPECTIVELY. B.A.S. 10/25/89

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

(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.

MICROFILMED
FEB 26 1993

05/04/2006

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

RIGHT NUMBER: 37-13215
NAME AND ADDRESS: ROYAL FORK RESTAURANT CORP
6874 FAIRVIEW RD
BOISE ID 83704
SOURCE: SOLDIER CREEK TRIBUTARY: CAMAS CREEK
QUANTITY: 1.600 CFS
PRIORITY DATE: 06/30/1883
POINT OF DIVERSION:
T01N R14E S16 SWSWSE Within CAMAS County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R14E S34	NWNE	6.00	T01N R14E S34	NENW	35.00
T01N R14E S34	NWNW	39.00			

80 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 - Decreed

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



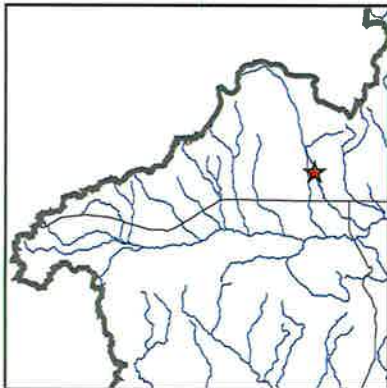
Idaho Department of Water Resources

SRBA Recommendation:

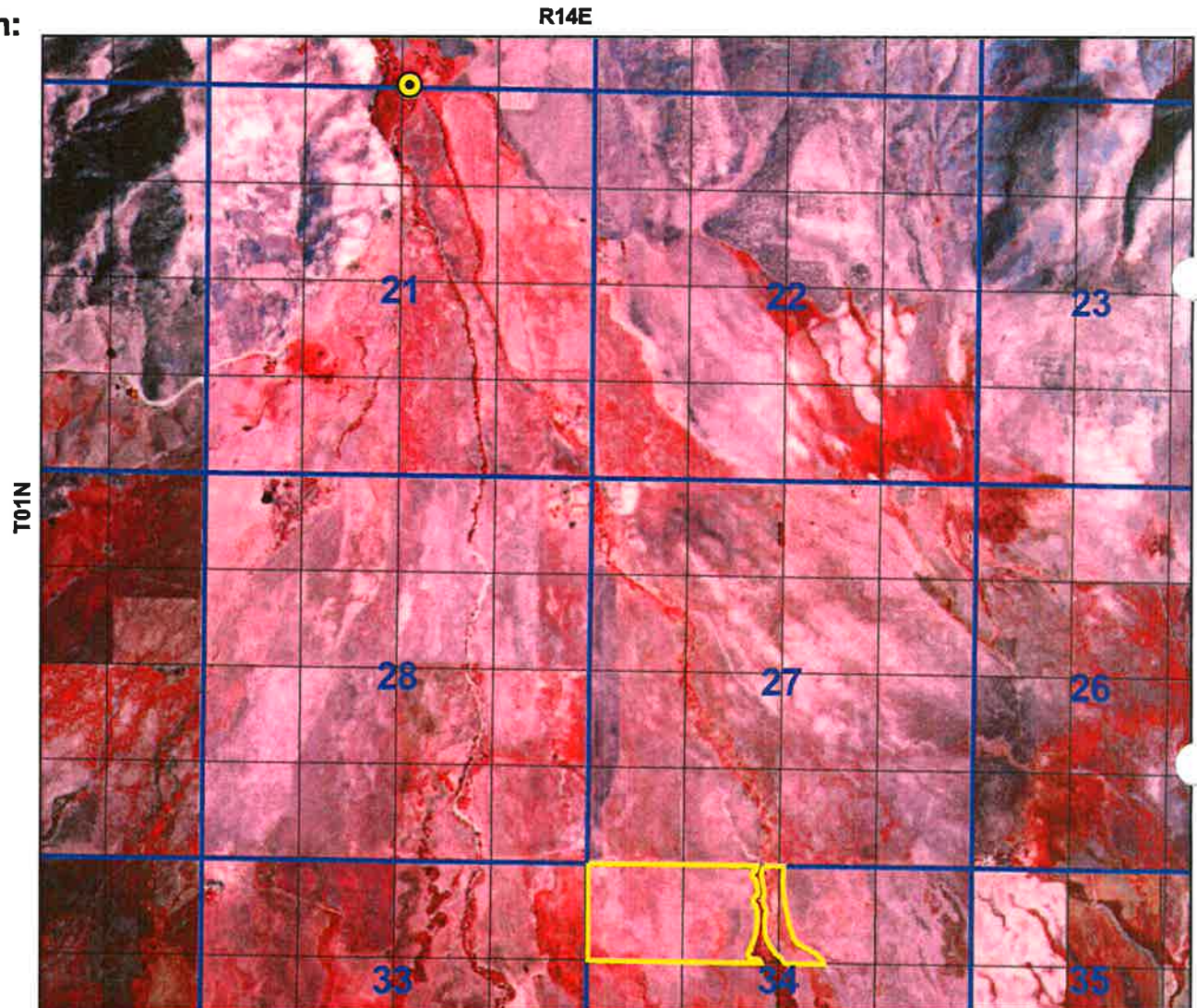
37-13215

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas County
IDWR Basin 37



0 0.5 1 Miles



Prepared by M. Anders
On Thursday, May 4, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-13215

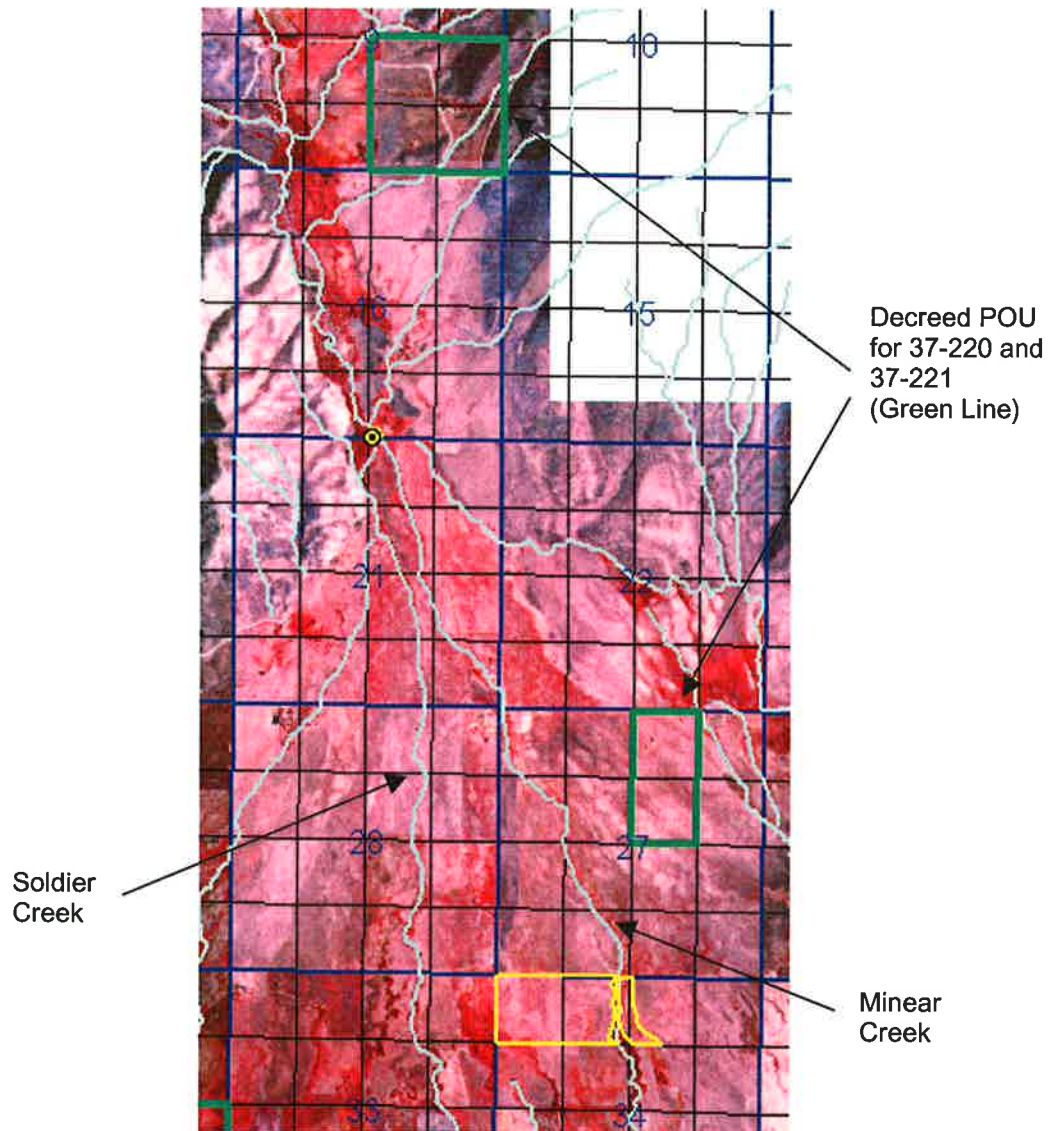
Background Data

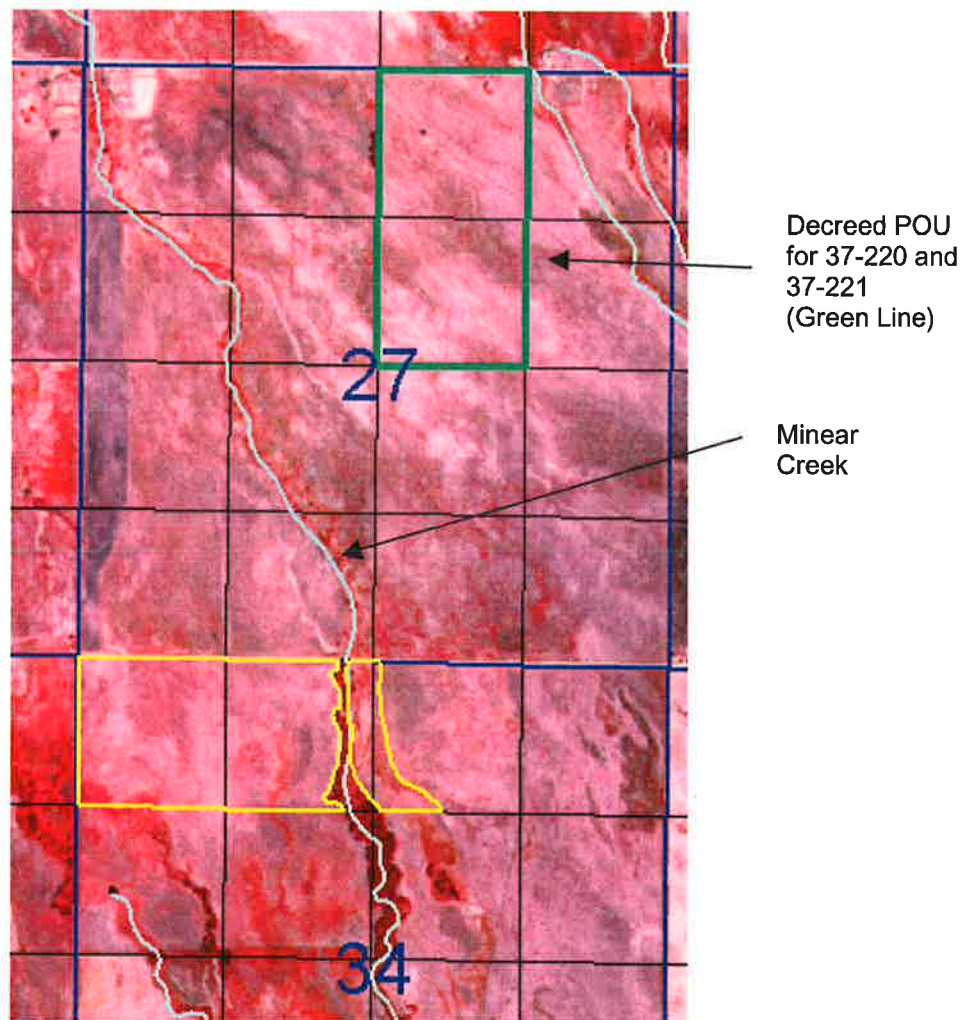
- Source is Soldier Creek tributary to Camas Creek
- Claimed against 37-220 & 37-221
- A priority date search indicates:
 - 37-220 decreed for 1.6 cfs on 6 QQ (same ground as 37-221)
 - 37-13215 claimed against 37-220 for 0.53 cfs on 120 acres
 - 37-13239 claimed against 37-220 for 1.07 cfs on 185 acres
 - 37-221 decreed for 3.2 cfs on 6 QQ (same ground as 37-220)
 - 37-13215 claimed against 37-221 for 1.07 cfs on 120 acres
 - 37-13239 claimed against 37-221 for 2.13 cfs 185 acres
 - **Summary of claims:**
 - Decreed 4.8 cfs on 240 acres – Decreed rate was 0.02 cfs/acre
 - Total diversion rate claimed against 37-220 = 1.6 cfs
 - Total diversion rate claimed against 37-221 = 3.2 cfs
 - Total acreage claimed = 305 acres. **Acres overclaimed**

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 34

- POD digitized based on confluence of Minear and Soldier Creeks. The claimed PODs do not appear to be correctly located.
- POU is 80 acres, equal to the decreed acres in Section 27 owned by claimant. During a field exam 5/3/06, a distribution system of small ditch was visible on the west end of the claimed POU, but no distribution system was visible on the claimed POU east of the Minear Creek. Irrigation seems to be present immediately east of Minear Creek on 1987 photo, so that area was included in recommended POU.
- Resolution of overclaim (37-220 & 37-221 decreed for 240 acres, but the 305 acres claimed):
 - 37-13215 – recommend 1.6 cfs on 80 acres for the portion of the decreed POU that claimant owns.
 - 37-13239 – recommend 3.2 cfs on 160 acres for the portion of the decreed POU that claimant owns. Claimant has several other rights, limit 37-13239 to 160 acres within PPU.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Water Right Report 37-220

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELLEN FINCH
	, ID
Current Owner	JOHN FINCH
	, ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	1.600 CFS	
		Total Diversion:	1.600 CFS	

Place of Use

IRRIGATION

[illegible]

1. AC. IRRIG. NOT SPECIFIED. FARM = 240 AC.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-220

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-221

WATER RIGHT NUMBER: 37-221

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN FINCH
	, ZZ
Current Owner	ELLEN FINCH
	, ID

Priority Date: 06/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOLDIER CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion
SOLDIER CREEK

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	9													X	X	X	X	
01N	14E	27		X	X														

Conditions of Approval:

1. AC. IRRIG. NOT SPECIFIED. FARM = 240 AC.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-221

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank: