

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: A37-14295
Date Received: 2/ 2/1993
Receipt No: C026656
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO 208-334-3700
Address: DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720

2. Date of Priority: FEB 1, 1967

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

4. Point of Diversion:

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

5. Description of diverting works:
EARTHEN DAM, 625' X 53', 53 SURFACE ACRES SINCE 1958

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROP. STORAGE	01/01	12/31			175.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 175.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION, STOCK RESERVOIR WITH CATCHABLE TROUT

10. Place of Use:

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

A37-14295

Page 1

Date: 02/02/93

MICROFILMED
MAR 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	14E	36	NE	SW		FIS S	
			SE	SW		FIS S	
			NE	SE		FIS S	
			NW	SE		FIS S	
05S	14E	1	SW	SE		FIS S	
			NW	NE		FIS S	
			NE	NW		FIS 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:
37-02782

14. Remarks:

THE RESERVOIR HAS BEEN OPERATED SINCE 1957 AT THE 550 AC-FT LEVEL
THE EARLIEST PROOF OF THIS OPERATING LEVEL IS THE DAM SAFETY
INSPECTION RECORDS (R-1023) DATED FEBRUARY 1967. THESE RECORDS
ARE KEPT WITH THE STATE OFFICE OF IDWR.

15. Basis of Claim: BENEFICIAL USE

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

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

Date Received

Receipt Number

A37-14295
2-2-93
C020656

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 2 1993
Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Idaho Dept. of Fish and Game Phone (208) 334-3700Mailing Address 600 S. Walnut / P.O. Box 25 Boise, ID Zip 837072. Date of Priority (Only one (1) per claim) February 1, 19673. Source of water supply (a) Dog Creek Reservoir / Dog Creek
which is tributary to (b) Dry Creek4. a. Location of existing point of diversion is: Township 5S Range 14E Section 1,
NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, 3 B.M., County of Gooding

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. A 625' long and 53' high earth-
filled dam was constructed across old lateral # 1685 in 1957. The
dam, spillway and 53 surface reservoir have been in operation since 1958.

MICROFILMED

MAR 20 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Fish propagation storage purposes from 1/1 to 12/31 amount _____ or 175

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 175 (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish propagation - stock reservoir with catchable trout

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>4S</u>	<u>14E</u>	<u>36</u>			<u>H</u>	<u>H</u>				<u>H</u>	<u>H</u>			<u>H</u>	<u>H</u>	<u>H</u>	<u>H</u>		
<u>5S</u>	<u>14E</u>	<u>1</u>		<u>H</u>			<u>H</u>												

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

A-37-02787 (License # R-1023) for 375 ac-ft of storage or None ()

14. Remarks:

The reservoir has been operated since 1957 at the 550 ac-ft. level. The earliest proof of this operating level is the Dam Safety Inspection records (R-1023) dated February 1967. These records are kept with the State Office of IDWR.

Last Name IDFG

Ident No. _____

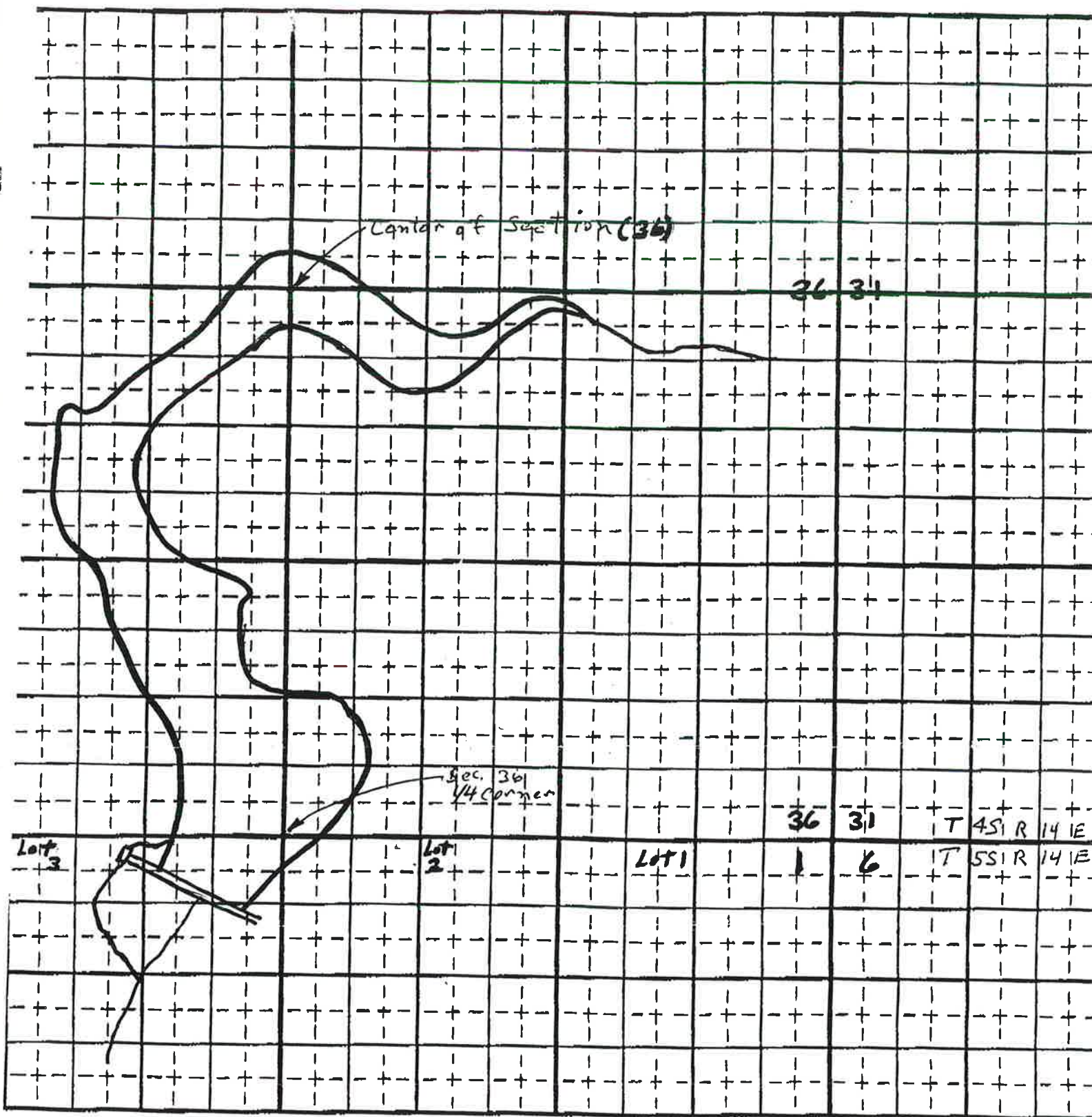
MICROFILMED

MAR 20 1993

Copies: White - State, Yellow - Claimant

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

Scale: 2 Inches equals 1 mile



MICROFILMED

Last Name Id Dept. Fish & Game Ident No. 1000

MAR 20 1993
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 _____ 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 _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Assistant Director
Title
of ID. DEPT. OF FISH AND GAME, that I have signed the foregoing
Organization
document in the space below as Assistant Director of ID. DEPT. OF FISH AND GAME
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jerry Mallet
Title and Organization Assistant Director / ID. DEPT. OF FISH AND GAME Date 1/29/93

State of Idaho for)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 29th day of January 19 93

SEAL

Notary Public Dorothy Baker

Residing at Emmett Idaho

My Commission Expires October 31, 1997

Please Print Name

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 _____

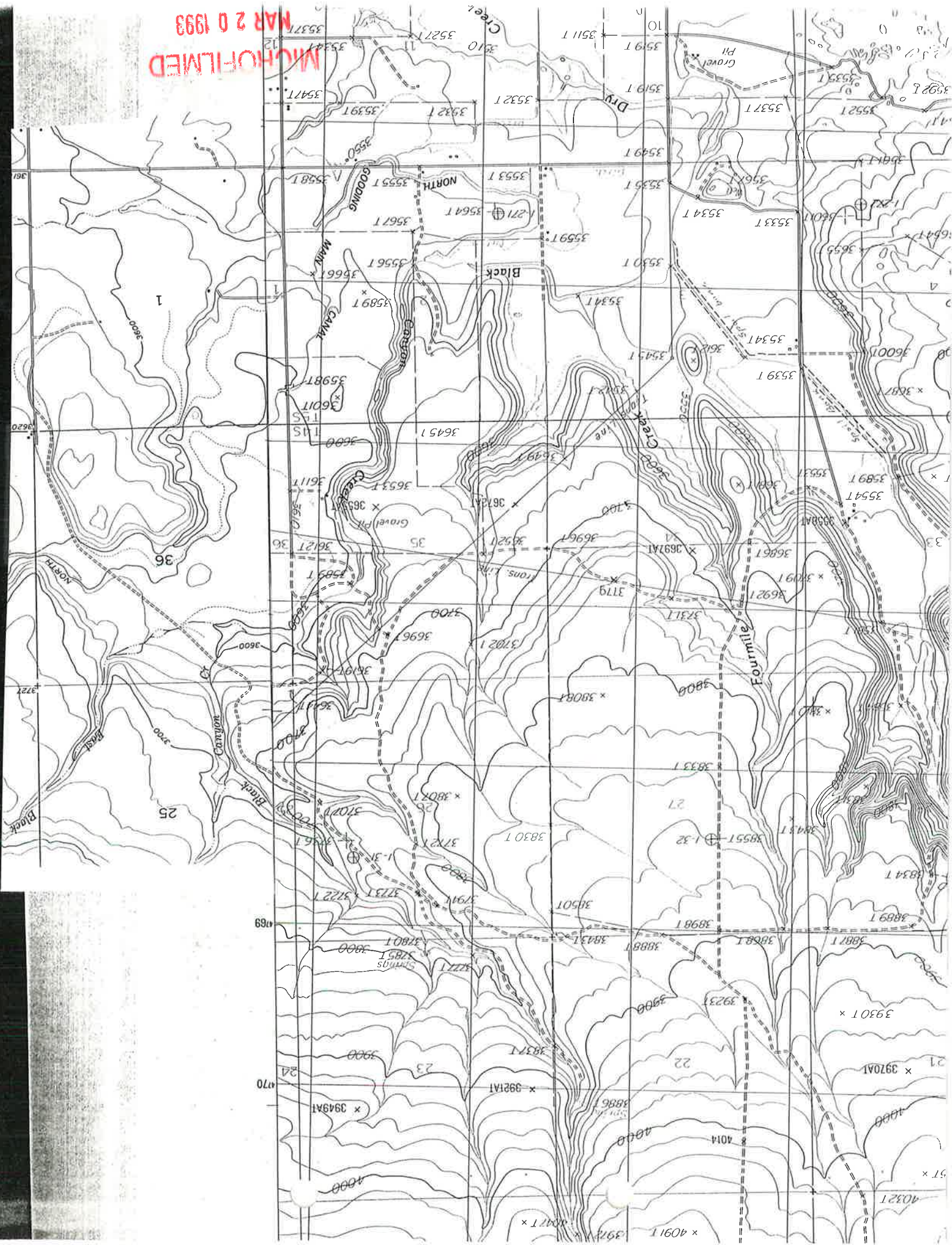
Date _____

Last Name IDFG Ident. Number _____

MICROFILMED

MAR 20 1993
Copies White-State, Yellow-Claimant

MICHOILIMED
MAR 20 1993



11/01/2006

NOTICE OF ERROR
REPLY

RECEIVED
NOV 16 2006

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: 37-14295

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: 37-14295

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

SOURCE: DOG CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 175.000 AFY

PRIORITY DATE: 02/01/1967

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	1/01 12/31	175.00 AFY

PLACE OF USE:

FISH PROPAGATION STORAGE Within GOODING County

T04S R14E S36	SWNE	T04S R14E S36	SENW
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		

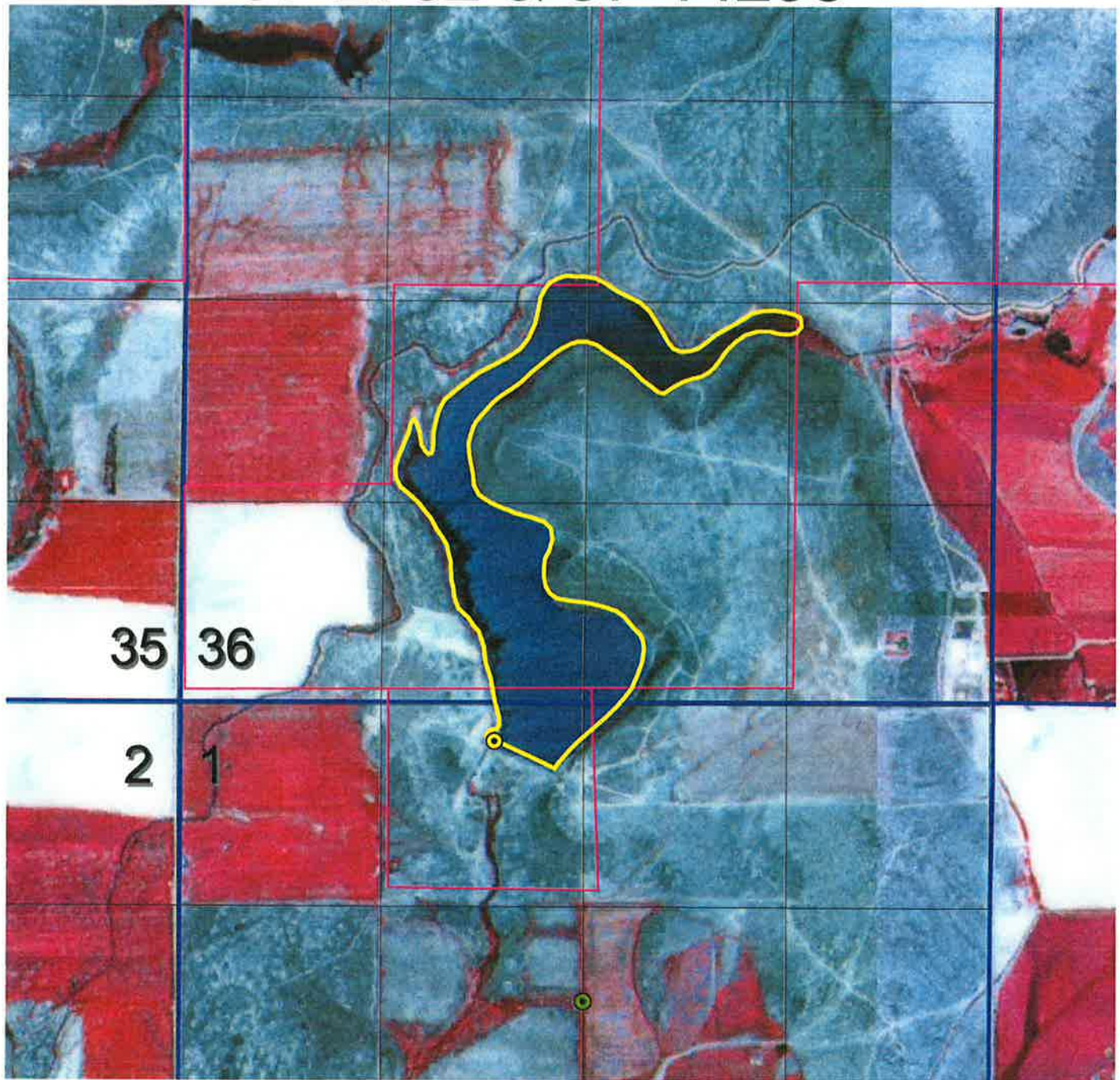
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Beneficial Use

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 3, 1993

Cindy Robertson
Idaho Department of Fish & Game
P.O. Box 25
Boise, ID 83720

RE: Snake River Basin Adjudication
Notice of Claim A37-14295, Dog Creek Reservoir

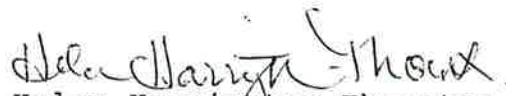
Dear Cindy:

Enclosed is a copy of the above referenced claim which has been processed. This copy is for your files. Also enclosed is Receipt No. C026656 in the amount of \$102.42, which you may also keep for your files.

The processed claim is being forwarded to our Southern Region office to await Basin 37 review. In addition to forwarding the claim, I have forwarded selected materials from the Dam Safety file supporting the February, 1967 priority, as noted in the Remarks on the claim. I have also forwarded a copy of the claim to the Dam Safety Section to notify them of the filing.

If you have any questions or I can be of any assistance, please let me know.

Sincerely,


Helen Harrington-Thornton
Senior Water Resource Agent
Adjudication Bureau

HHT:sf:south

Enclosures:

Notice of Claim #A37-14295

Receipt No. C026656

cc: Dave Hollingshead/Dam Safety File 37-02782

MICROFILMED

MAR 20 1993

MEMORANDUM TO FILE A37-14295

FROM: HELEN HARRINGTON-THORNTON ^{HHT}

DATE: FEBRUARY 2, 1993

RE: EVIDENCE OF PRIORITY

As noted in the remarks of this claim, there is sufficient evidence in the Dam Safety file 37-02782 to support this additional storage capacity beyond the licenced 375 AF.

A survey was completed recently (per Mike Stubblefield) which is discussed in the attached letter sent to the claimant supporting the total storage capacity of 550 AF. I have attached both the letter and a copy of the map from the Dam Safety file and additional evidence is found in the dam files in the form of photographs dated February 1967.

MICROFILMED

MAR 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 14, 1992

Grant Christensen, Chief
Bureau of Engineering
600 S. Walnut, Box 25
Boise, ID 83707

RE: Dog Creek Dam

D37-2782

Dear Grant:

Enclosed is a new certificate for Dog Creek Dam. Please destroy the certificate that was issued November 30, 1992. The restriction on the certificate has been changed to reflect current conditions at the dam. With installation of the 2 ft high concrete sill in the spillway channel (in 1989) flashboards are now restricted to a maximum height of 2.0 feet. Stop-logs should be installed to provide a minimum of 3.0 feet of freeboard on the dam embankment at all times.

Review of our records indicated water right license 37-2782 is for 375 ac-ft; apparently there are no other existing rights for storage at the dam. Considering the stage/storage curve (enclosed) the storage capacity of the reservoir is about 425 ac-ft at the top of the concrete sill, and at the top of the stop-logs about 550 ac-ft. It's suggested you contact the Department's Water Allocation Bureau to rectify this matter and complete the filings for the additional storage.

Please let me know if you have any questions.

Very truly yours,

DAVID H. HOLLINGSHEAD
Safety of Dams Section, Mgr

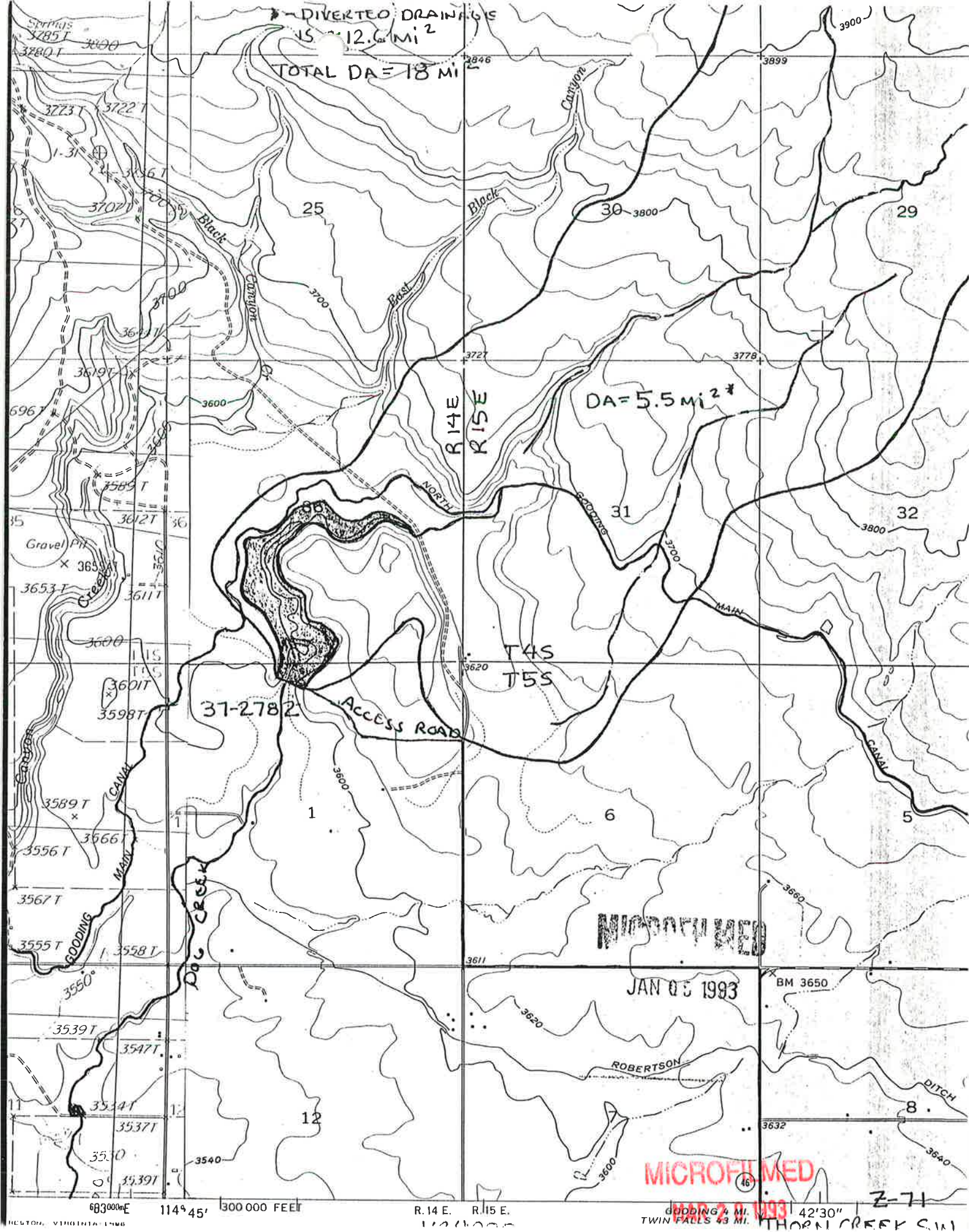
enclosures

cc: IDWR - Southern Region

JAN 05 1993

MICROFILMED

MAR 20 1993





IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

RECEIVED
FEB 2 1993

Department of Water Resources

January 29, 1993

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
STATEHOUSE MAIL
Boise, Idaho 83720

Dear Sir or Madam:

I have enclosed a claim for a water right for fish propagation storage in Dog Creek Reservoir. A claim for water right no. 37-02782 for 375 ac-ft. in Dog Creek Reservoir was filed in 1990. The enclosed claim is to cover the additional 175 ac-ft. of storage in the reservoir and is based on beneficial use.

A check for \$102.42 is enclosed for payment of filing fees (\$52.42 claim fee plus \$50.00 late filing fee). Please return a receipt for the payment. If there are questions regarding this claim, please call me at 334-2597.

Sincerely,

Cindy Robertson

Cindy Robertson
Staff Fishery Biologist

CR:jj

Enclosure

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife - since 1938

MICROFILMED

MAR 20 1993

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME IDFGCLAI. IDENT. NO. A37-14295DATE RECEIVED 2/2/93CK # C026656AMOUNT \$ 102.42

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 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? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| 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.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: HHTDate: 2/2/93

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

(Yes) ☒ (No)Receipt Prepared by: JulieDate: 2/2/93Claim data entered by: HHTDate: 2/2/93Sent to claimant by: HHTDate: 2/2/93Checked by: HHT Date: 2/23/93Comments: I have attached a copy of the topo - don't find Dog Creek named, however, could be locally used name.

MICROFILMED

MAR 20 1993

→ Evidence of priority attached. Additional Info in Dam File A37-02782