

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 37-21298
Date Received: 5/24/2004
Receipt No: 5026770
Received By: UAH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ELWYN A TUPPER Phone: (208)764-2248

RT 1 BOX 1240
FAIRFIELD ID USA 83327

RITA A TUPPER Phone: (208)764-2248

RT 1 BOX 1240
FAIRFIELD ID USA 83327

2. Date of Priority: 06/27/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	14E	33	NE SE SE	CAMAS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01S	14E	3	NE NW	IRRIGATION	10
Section Acres					10
Total Acres					10

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:

THIS IS A PORTION OF DECREED RIGHT 37-50B.

THE PLACE OF USE IS ALSO KNOWN AS LOT 18, MOUNTAIN VIEW ACRES SUBDIVISION.

15. Basis of Claim: Decreed

16. Signature(s)

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): Clayton Tupper Date: 5-24-04
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24 day of May 2004



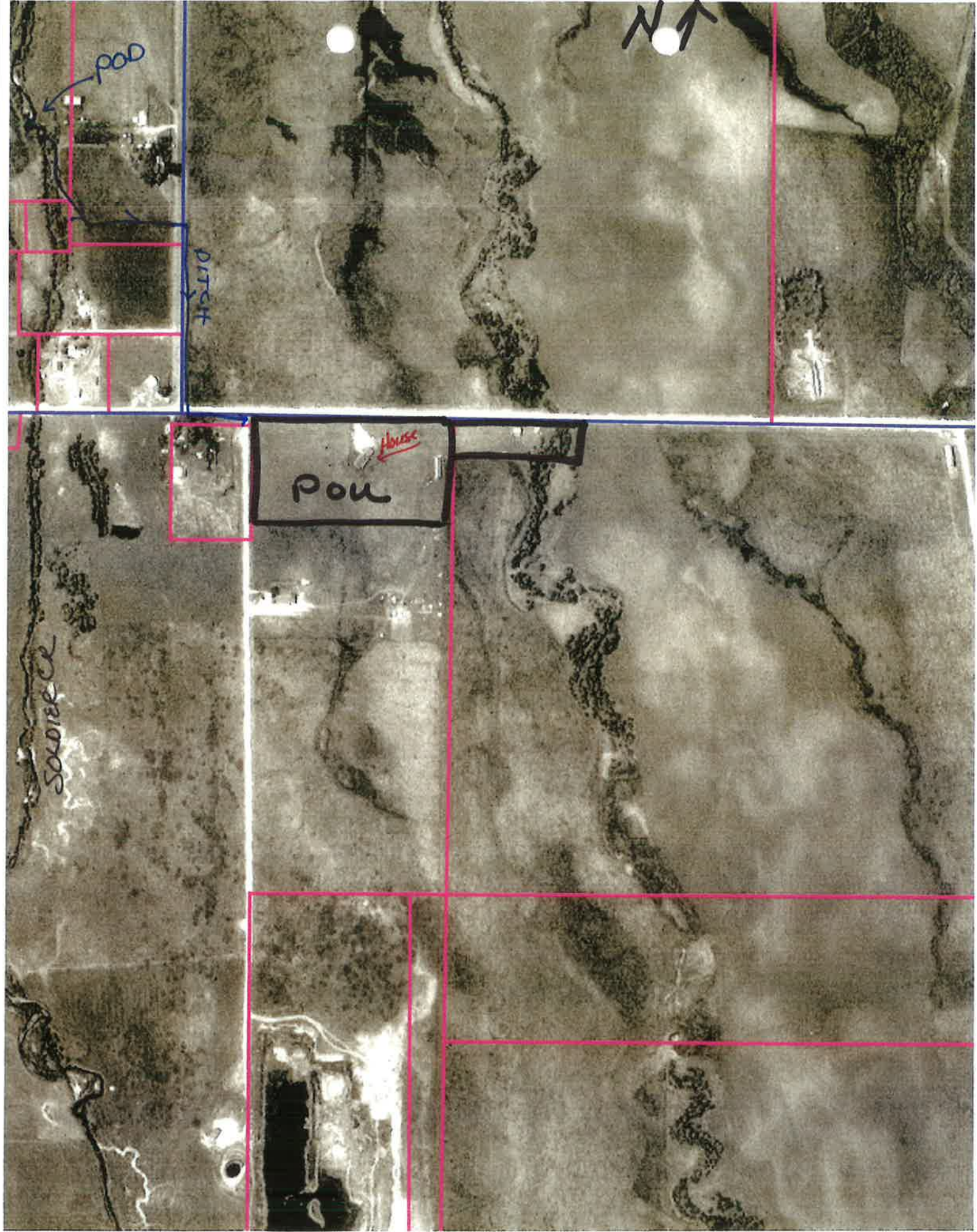
[Signature]

Notary Public

Residing at Buhl, ID

My commission Expires 5/7/2009

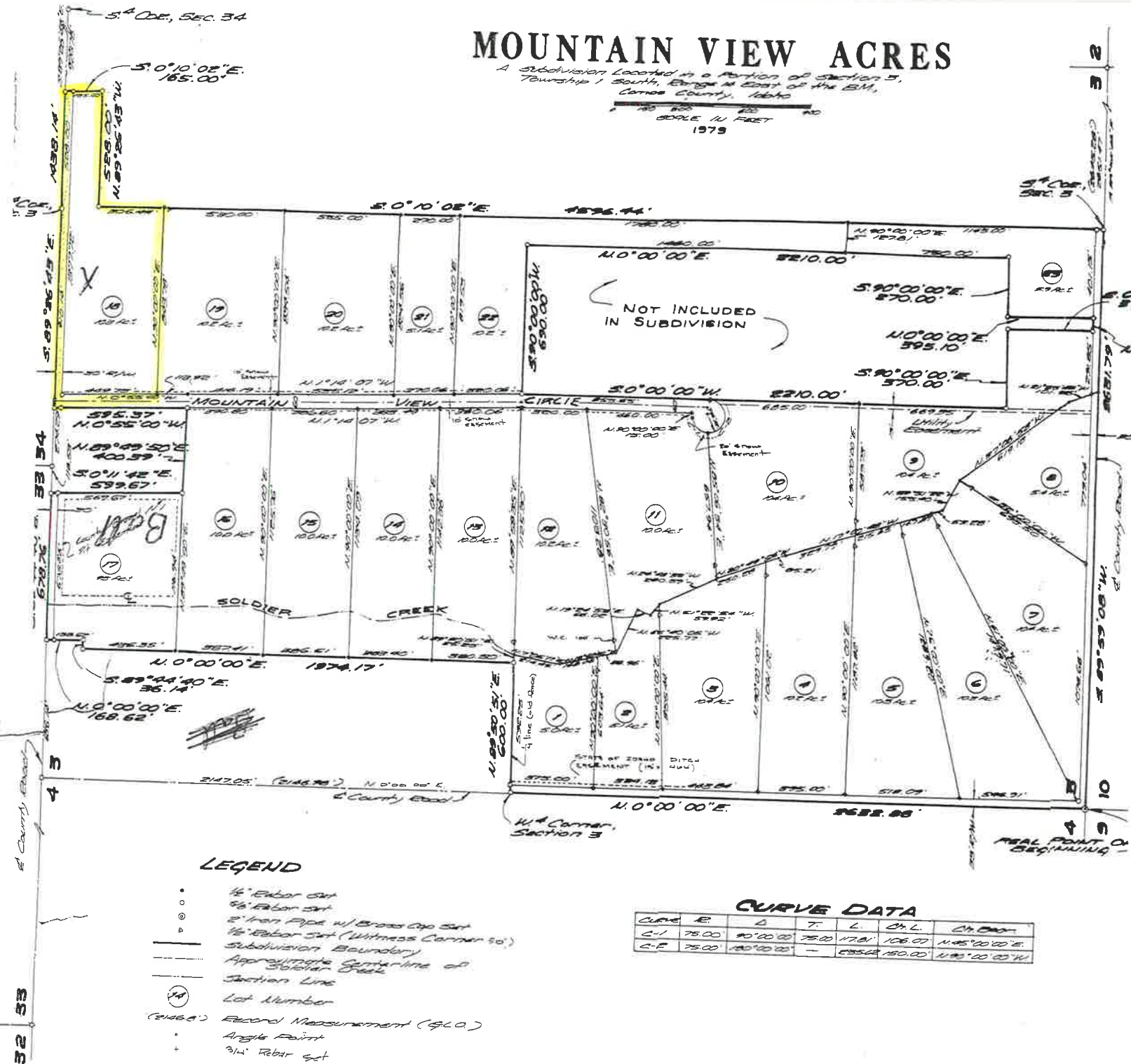
2



Per claimant 5/24/04 UAT

A Subdivision Located in a Portion of Section 5,
Township 1 South, Range 4 East of the 5th,
Comes County, Idaho

DOOLE IN FEET
1979



5/21/04

PMO100 - PARCEL MASTER INQUIRY

15:22:25

PARCEL: RP 00150000018A A

F12=RC F14=HO

TUPPER, ELWYN

*TREND - LEGAL DESCRIPTION
LOT 18 LESS W2 OF LOT 18
MOUNTAIN VIEW ACRES

RR 1 BOX 1240

FAIRFIELD ID 83327

060 E 200 N

ProVal Area Number 1

CODE AREA 2-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 10/1/1997 EXPDATE

PREV PARCEL RP001500000180A

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2000	5139	LT	30050				
32	2000			4476				
37	2000			111457	111457	50000		
TOTALS		5139		145983	111457	50000		

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG

F8=CT F13=TM F18=HS F20=SrcH F22=EU

09/22/2006

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

RIGHT NUMBER: 37-21298
NAME AND ADDRESS: RITA A TUPPER
RT 1 BOX 1240
FAIRFIELD ID 83327

ELWYN A TUPPER
RT 1 BOX 1240
FAIRFIELD ID 83327

SOURCE: SOLDIER CREEK TRIBUTARY: CAMAS CREEK
QUANTITY: 0.180 CFS
PRIORITY DATE: 06/27/1883
POINT OF DIVERSION:

T01N R14E S33 NESESE 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	0.180 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01S R14E S03 Lot 3 NENW 9.00

9 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 point of diversion pursuant to Section 42-1425, Idaho Code.



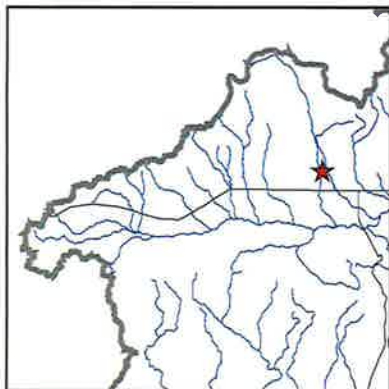
Idaho Department of Water Resources

SRBA Recommendation:

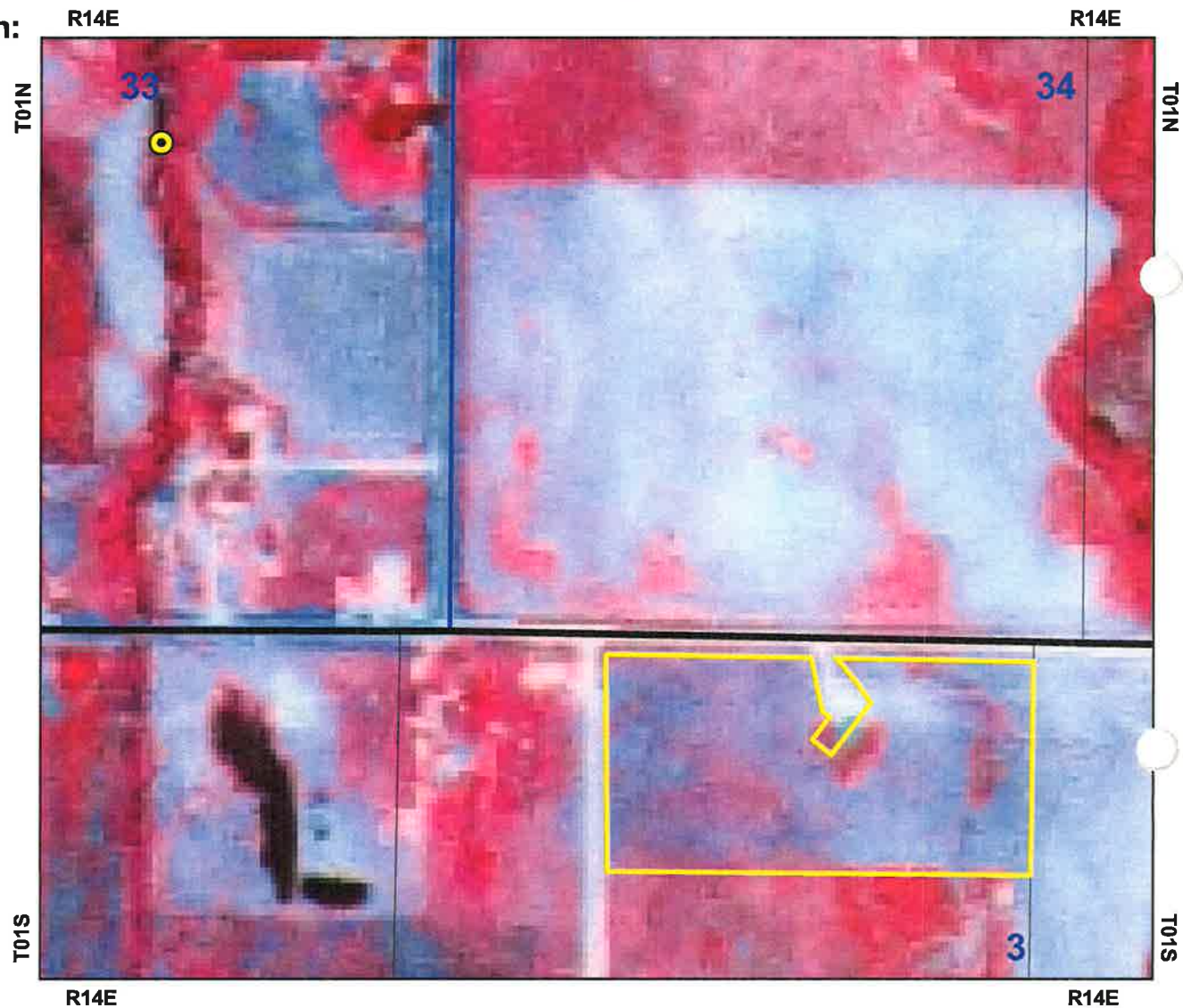
37-21298

Legend

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



Camas County
IDWR Basin 37



0

0.25 Miles

Prepared by M. Anders
On Friday, September 22, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-21298

Background Data

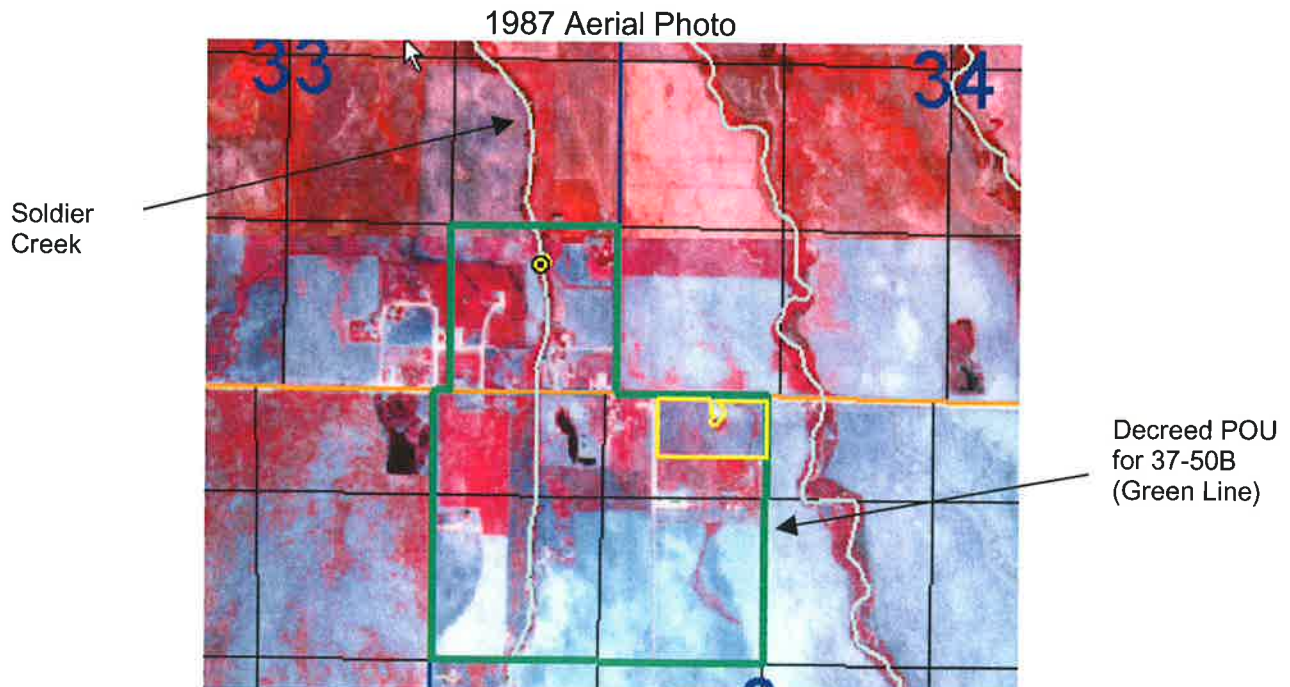
- Source is Soldier Creek tributary to Camas Creek
- Priority date search indicates:
 - 37-50B decreed for 2.0 cfs on 5 QQ
 - SRBA claims
 - 37-50B
 - 37-50C claimed 0.15 cfs from 37-50B for Irrigation of 15 acres
 - 37-50D claimed 0.25 cfs from 37-50B for Irrigation of 29.6 acres
 - 37-13187 claimed 0.18 cfs from 37-50B for Irrigation of 17 acres
 - 37-21298 claimed 0.2 cfs from 37-50B for Irrigation of 10 acres
 - 37-50E claimed 0.2 cfs from 37-50A & 37-50B for Irrigation of 10 acres
 - 37-13195 claimed 1.0 cfs from 37-50A & 37-50B for Irrigation of 513 acres
 - 37-13198 claimed 0.12 cfs from 37-50A, 37-50B, and 37-222B for Irrigation of 9 acres
 - 37-21796 claimed 0.2 cfs from 37-50A & 37-50B for Irrigation of 10 acres
 - 37-21801 claimed 0.17 cfs from 37-50A & 37-50B for Irrigation of 5.7 acres

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)



Notes

T1S R14E Section 3

- Found 9 acres of Irrigation.
- Recommendations:
 - 37-21298 – 0.18 cfs for Irrigation of 9 acres
 - 37-50B
 - 37-50C – 0.15 cfs for Irrigation of 13 acres
 - 37-50D – 0.25 cfs for Irrigation of 25 acres
 - 37-50E – 0.13 cfs for Irrigation of 9 acres
 - 37-13187 – 0.18 cfs for Irrigation of 17 acres
 - 37-13195 – 0.74 cfs for Irrigation of 513 acres
 - 37-13198 – 0.04 cfs for Irrigation of 9 acres
 - 37-21796 – 0.10 cfs for Irrigation of 4.5 acres
 - 37-21801 – No apparent irrigation. Claim disallowed.
 - **37-21298 – 0.18 cfs for Irrigation of 9 acres**
 - Unclaimed – 0.23 cfs for Irrigation of 23 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

37-50A decreed POU = 5 QQ			(0.72 cfs)	(26% of 37-50)		
			duty = 0.0036 cfs/acre			
Basin	Sequence	Suffix	Claimed cfs		Irrigated Acres	Recom. Acres Recm. cfs
37	50	C	0.05		13.0	13.0 0.05
37	50	D	0.03		25.0	13.0 0.03
37	50	E	0.20	50A, 50B	9.0	9.0 0.05
37	13187		0.06		17.0	17.0 0.06
37	13195		1.00	50A, 50B	513.0	76.5 0.26
37	13198		0.12	50A, 50B, 222B	9.0	9.0 0.02
37	21796		0.20	50A, 50B	4.5	4.5 0.04
37	21801		---	---	---	---
Unclaimed						58.0 0.21
Total						200.0 0.72

37-50B decreed POU = 5 QQ			(2.0 cfs)	(74% of 37-50)		
			duty = 0.01 cfs/acre			
Basin	Sequence	Suffix	Claimed cfs		Irrigated Acres	Recom. Acres Rec. cfs
	37	50 C	0.15		13.0	13.0 0.15
	37	50 D	0.25		25.0	25.0 0.25
	37	50 E	0.20	50A, 50B	9.0	9.0 0.13
	37	13187	0.18		17.0	17.0 0.18
	37	13195	1.00	50A, 50B	513.0	90.5 0.74
	37	13198	0.12	50A, 50B, 222B	9.0	9.0 0.04
	37	21796	0.20	50A, 50B	4.5	4.5 0.10
	37	21801	---	---	---	---
	37	21298	0.20		9.0	9.0 0.18
Unclaimed						23.0 0.23
Total						200.0 2.00

37-222A decreed POU = 8 QQ			(2.8 cfs)	(29% of 37-222)			
			duty = 0.0088 cfs/acre				
Basin	Sequence	Suffix	Claimed cfs		Irrigated Acres	Recom. Acres	Rec. cfs
	37	13195	1.58	222A, 222B	513.0	129.0	1.12
Unclaimed						191.0	1.68
Total						320.0	2.80

37-222B decreed POU = 12 QQ			(0.8 cfs)	(71% of 37-222)			
			duty = 0.0017 cfs/acre				
Basin	Sequence	Suffix	Claimed cfs		Irrigated Acres	Recom. Acres	Rec. cfs
	37	13187	0.03		17.0	17.0	0.03
	37	13195	1.58	222A, 222B	513.0	306.0	0.46
	37	13198	0.12	50A, 50B, 222B	9.0	9.0	0.06
Unclaimed						148.0	0.25
Total						480.0	0.80

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-50B

WATER RIGHT NUMBER: 37-50B

Owner Type Name and Address

Current Owner REX MC DONALD

, ID

Priority Date: 06/27/1883

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 /	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

SOLDIER CREEK	SW1/4NE1/4	Sec. 21, Twp 01N, Rge 14E, B.M.
CAMAS County		

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	33																	X
01S	14E	3					X	X	X	X									
							L 3	L 4											

Conditions of Approval:Remarks:

- General ORIGINALLY DECREED TO JOHN L. BAXTER IN THE FROST DECREE.

Comments:

WR

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-50A

WATER RIGHT NUMBER: 37-50A

<u>Owner Type</u>	<u>Name and Address</u>
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Current Owner JOHN L BAXTER

, ID

Priority Date: 06/27/1883

Basis: Decreed

Status: Active

Source

Tributary

SOLDIER CREEK

CAMAS CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

/ to /

0.720 CFS

Total Diversion: 0.720 CFS

Location of Point(s) of Diversion

SOLDIER CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01N	14E	33																	X
01S	14E	3					X L3	X L4	X	X									

Conditions of Approval:

Remarks:

1. General P/D & P/U INCOMPLETE. SEE FILE.
RT. WAS NOT REAFFIRMED IN HALLOWELL DECREE. MAY HAVE BEEN LOST.

Comments:

WR