

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 37-21362
Date Received: 10/21/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

REX AWALT Phone: (805)238-1315

PO BOX 392
SAN MIGUEL CA USA 93451

2. Date of Priority: 05/20/1939

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	12E	3	NE NE SE	CAMAS	
01S	12E	3	NW NE SE	CAMAS	
01S	12E	3	SE NW SE	CAMAS	
01S	12E	3	SW SE NE	CAMAS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/01	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 150 RANGE CATTLE

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	12E	3	SE	NE	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	

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 CLAIM IS FOR SPRINGS TRIBUTARY TO THE CHIMNEY CR DRAINAGE (SPRING NOS. 6-9 ON THE ATTACHED MAP).

15. Basis of Claim: Beneficial Use

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21362

Date Received 10/21/04

Receipt Number 5027139

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

RECEIVED

OCT 21 2004

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Rex Awalt Phone (805) 238-1315

Mailing Address P.O. Box 392, San Miguel, CA Zip 93451

2. Date of Priority (Only one (1) per claim) 5/20/1939

3. Source of water supply (a) Springs

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: SEE ATTACHMENT "A" FOR ALL POINTS OF DIVERSION

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.
Springs to small earthen stock ponds.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Stockwater purposes from 1/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater - 150 head range cattle

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 together 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	12E	3				S									S	S			

Total number of acres irrigated _____

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

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

_____ Or None ☒

14. Remarks:

This claim covers stockwater use not previously claimed under 37-13065, 37-13066,
and 37-13179. This claim is for springs tributary to the Chimney Creek drainage
(Spring Nos. 6 through 9 on the attached aerial map).

Last Name _____ Ident. No. _____

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 7-30-04

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Of _____, Title _____, that I have signed the foregoing

Document in the space below as _____ Organization _____

Title _____ Organization _____

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

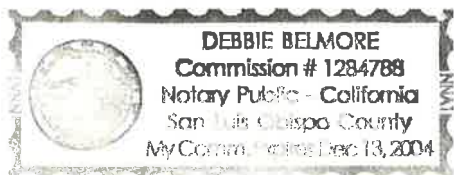
Title and Organization _____ Date _____

State of Idaho / or California)

County of San Luis Obispo) SS.

Subscribed and sworn (or affirmed) before me this 30th day of September, 2004

SEAL



Notary Public _____

Residing at Paso Robles, Ca.

My Commission Expires 12-13-2004

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 _____ Ident. Number _____

ATTACHMENT "A"

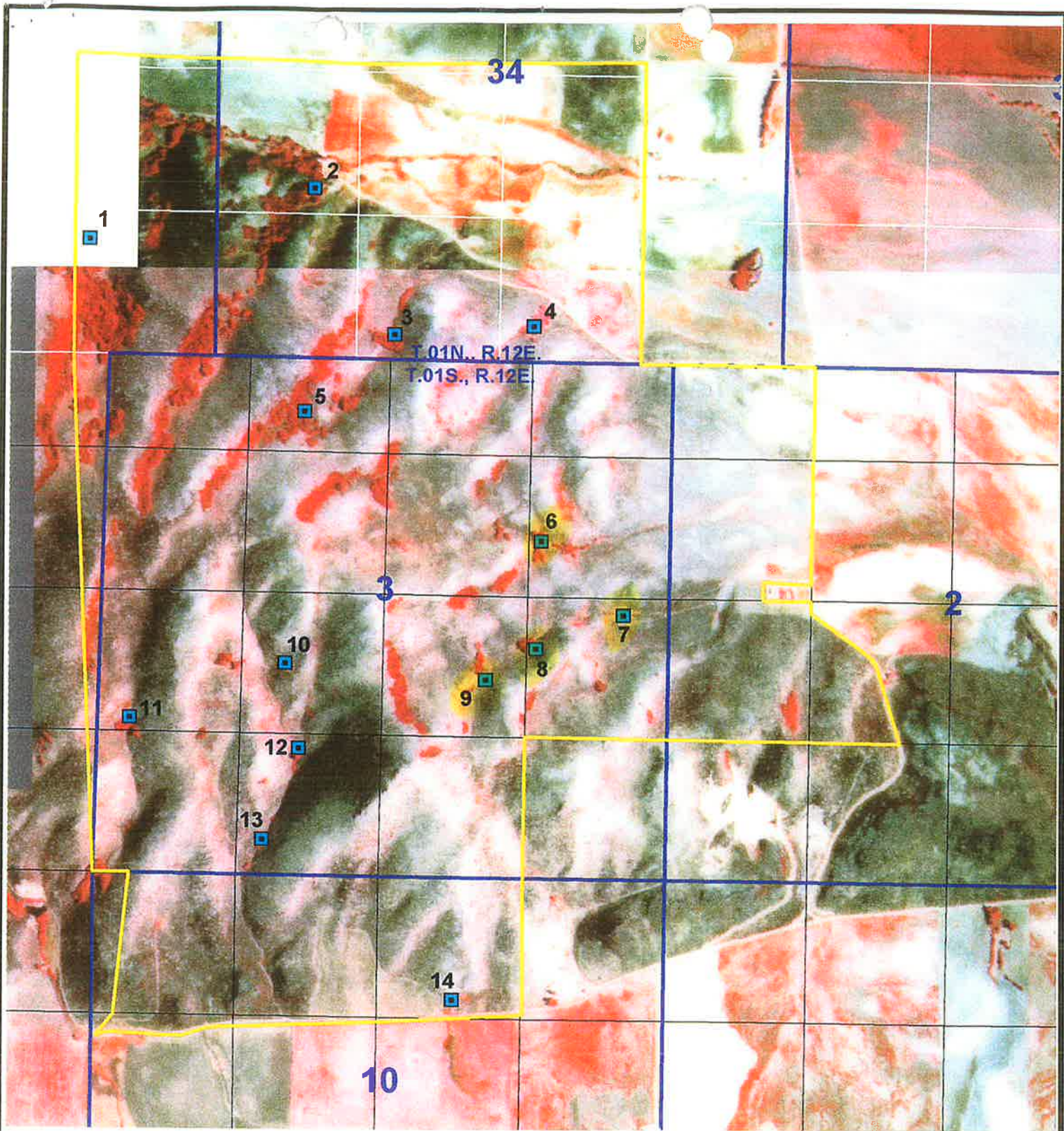
Stockwater claim for springs tributary to Chimney Creek drainage

Rex Awaltt

Twp	Rge	Sec	QQ	Spring No.
1S	12E	3	SENE	6
		3	NESE	7 and 8
		3	NWSE	9

Note:

Springs shown on attached aerial map in the NWSW Sec. 34 and NWNE Sec. 10 have already been claimed and partially decreed under 37-13065 and 37-13179.



**AWALT
STOCKWATER CLAIMS
FSA Aerial Photo 1987**

Property Line
Section Lines

Springs
(WHITE) 01N. 12E.

1S. 12E.

BROCKWAY ENGINEERING, PLLC.
ALR SEP. 29, 2003





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

11-3-2004

Dr C. G. Brockway
BROCKWAY ENGINEERING
2016 N. WASHINGTON, STE 4
TWIN FALLS ID 83301

RE: Awalt claims

Dear Dr. Brockway:

You will find enclosed copies of the computer records for the stock water claims filed by Awalt. Also enclosed are a receipt #S027139 for the fees submitted, the original amended claims for 37-7938 and 37-4191, and a printout of the new claim for 37-2018.

The amended claims could not be processed without an ownership change from Waller to Awalt, as we discussed by phone last week, and therefore are being returned to you. Please note that the amendments and claim 37-2018 identify an incorrect legal description for the point of diversion. The claims also identify 112 acres where original filings only identified (and paid fees for) 109 acres.

New claim 37-2018 was accepted as claimed; however the following are brought to your attention for consideration. In addition to the incorrect diversion point description and variable fee shortfall, it appears that an unusually recent priority date was claimed. I have included a printout of the water right database record for the license for your reference. I would also point out that license 37-2018 is nowhere appurtenant to the claimed land. Should Mr. Awalt wish to continue with claim 37-2018, and in light of the commencing claim review in the area, I am requesting explanation of his possessory interest in the license.

Sincerely,

Douglas Jones, P. E.
Water Rights Supervisor
Southern Adjudication Unit

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21362 V1

WATER RIGHT NUMBER: 37-21362 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NORVAL REX AWALT PO BOX 392 SAN MIGUEL, CA 93451 (805)238-1315
Current Owner	AWALT PARTNERSHIP PO BOX 392 SAN MIGUEL, CA 93451-0392

Priority Date: 05/20/1939

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	UNNAMED STREAM

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4NE1/4SE1/4	Sec. 3,	Twp 01S,	Rge 12E, B.M.
CAMAS County				
SPRING	NW1/4NE1/4SE1/4	Sec. 3,	Twp 01S,	Rge 12E, B.M.
CAMAS County				
SPRING	SE1/4NW1/4SE1/4	Sec. 3,	Twp 01S,	Rge 12E, B.M.
CAMAS County				
SPRING	SW1/4SE1/4NE1/4	Sec. 3,	Twp 01S,	Rge 12E, B.M.
CAMAS County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	12E	3				X												X	X	

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21362 V1

1. C18 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.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:

Comments:

Water Supply Bank:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	37-4191	☒		37-7938	☒
	37-21360	☒			
	37-21361	☒			
	37-21362	☒			
	37-2018	☒			

RECEIVED

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

~~Ron Waller Norval Rex Awalt~~
~~PO Box 392, San Miguel, CA 93451-0392~~
~~P.O. Box 162, Corral, Idaho 83322~~

4. New Owner/Claimant(s)

Awalt Partnership, a California Limited Partnership
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 392, San Miguel, CA 93451-0392

City, State and ZIP Code

New Telephone Number

() _____

5. Date you acquired the property

26-AUG-03

SCANNED

DEC - 4 2006

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. ☒ Signature of New Owner(s) or Claimant(s) (include title if applicable) *Christy Awatt, General Partner*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u><i>JP</i></u>	Date <u>11-21-06</u>	Fee <u>-</u>
Receipted by <u><i>JP</i></u>	Date <u>-</u>	Receipt No. <u>-</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED
DEC - 4 2006

11/02/2006

**NOTICE OF ERROR
REPLY**

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: 37-21362

NORVAL REX AWALT

PO BOX 392

SAN MIGUEL CA 93451

Telephone Number: (805)238-1315

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: _____

SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/02/2006

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

RIGHT NUMBER: 37-21362
NAME AND ADDRESS: NORVAL REX AWALT
PO BOX 392
SAN MIGUEL CA 93451
SOURCE: SPRING TRIBUTARY: UNNAMED STREAM
QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 05/20/1939
POINT OF DIVERSION:
T01S R12E S3 SWSENE Within CAMAS County
T01S R12E S3 NENESE Within CAMAS County
T01S R12E S3 NWNESE Within CAMAS County
T01S R12E S3 SENWSE Within CAMAS County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER in CAMAS County

T01S R12E S03	SENE	T01S R12E S03	NESE
T01S R12E S03	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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Adjudication Claim Notes

Claim(s): 37-21362

Background Data

- Beneficial Use Claim
- Source is Spring tributary to Sinks
- Claimed 0.04 cfs for Stockwater

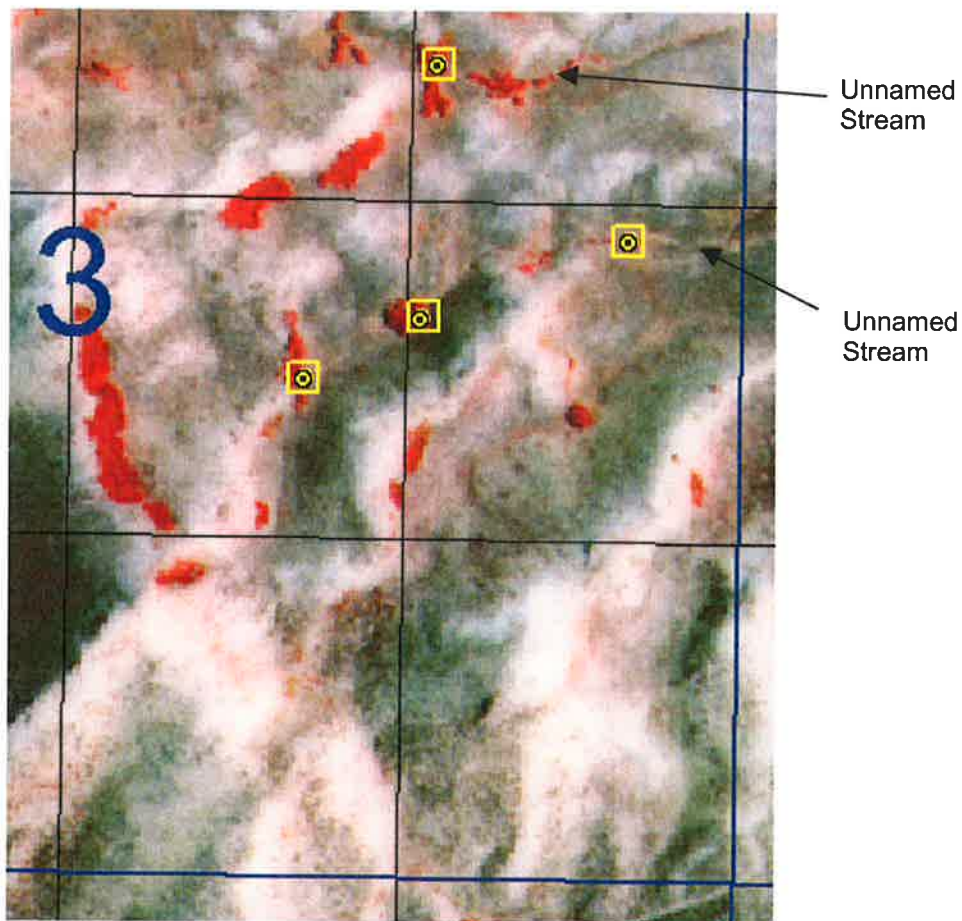
Place Of Use Data

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

T1S R12E Section 3

- POD & POU taken from claim layer
- Recommended all as Spring tributary to Unnamed Stream since they are adjacent to the streams according to the USGS 24K topo.
- Recommended 0.04 cfs based on 150 head of cattle.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

▶ Period of use was input wrong → Recommended as 1/1 - 12/31