

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 37-21778  
Date Received: 6/5/2006  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

REX GARNER  
PO BOX 1987  
SUN VALLEY ID USA 83353

Phone: (208)578-1327

SHEILA DANIELS GARNER  
PO BOX 1987  
SUN VALLEY ID USA 83353

Phone: (208)578-1327

2. Date of Priority: 12/31/1970

3. Source: POISON CREEK , POISON CREEK Trib. to: CAMAS CREEK , CAMAS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    | County | Type            |
|----------|-------|---------|-----------------------|----|--------|-----------------|
| 01S      | 17E   | 15      | NE                    | NE | CAMAS  | Beginning Point |
| 01S      | 17E   | 15      | NE                    | NE | CAMAS  | Ending Point    |

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 | 12/31 | 0.02   |            |

7. Total Quantity Appropriated is:  
0.02 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      | 17E   | 15      | NE         | NE  | 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:

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 Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): R. W. Lee Date: 6-5-06

\_\_\_\_\_  
Date:

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 5<sup>th</sup>  
of June 2006

[Signature]  
Notary Public

Residing at Boise ID

My commission Expires June 10, 2012



# Idaho Department of Water Resources Receipt

Receipt ID C081399

Payment Amount \$50.00 Date Received 6/5/2006 11:53:08 AM Region State Status  
Payment Type Check Check Number 664

Payer GARNER, REX

Comment #37-21778 and 37-21779

## Fee Detail

| Amount  | Description  | Fund | FD | PCA   | SO   |
|---------|--------------|------|----|-------|------|
| \$25.00 | LIC EXAM FEE | 0229 | 21 | 56104 | 1155 |
| \$25.00 | LIC EXAM FEE | 0229 | 21 | 56104 | 1155 |

Signature Line (Dept. Representative)

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: 37-21778

REX GARNER  
PO BOX 1987  
SUN VALLEY ID 83353  
Telephone Number: (208)578-1327

SHEILA DANIELS GARNER  
PO BOX 1987  
SUN VALLEY ID 83353  
Telephone Number: (208)578-1327

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: 11-14-06 SIGNATURE: *Rex Garner*  
Please print your name: REX GARNER SHEILA DANIELS GARNER

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



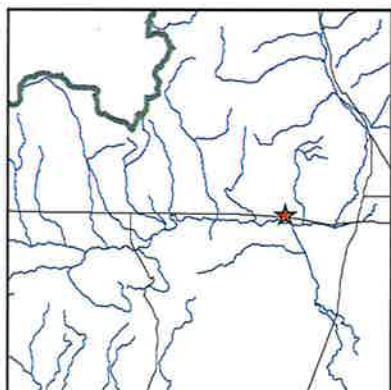
# Idaho Department of Water Resources

SRBA Recommendation:

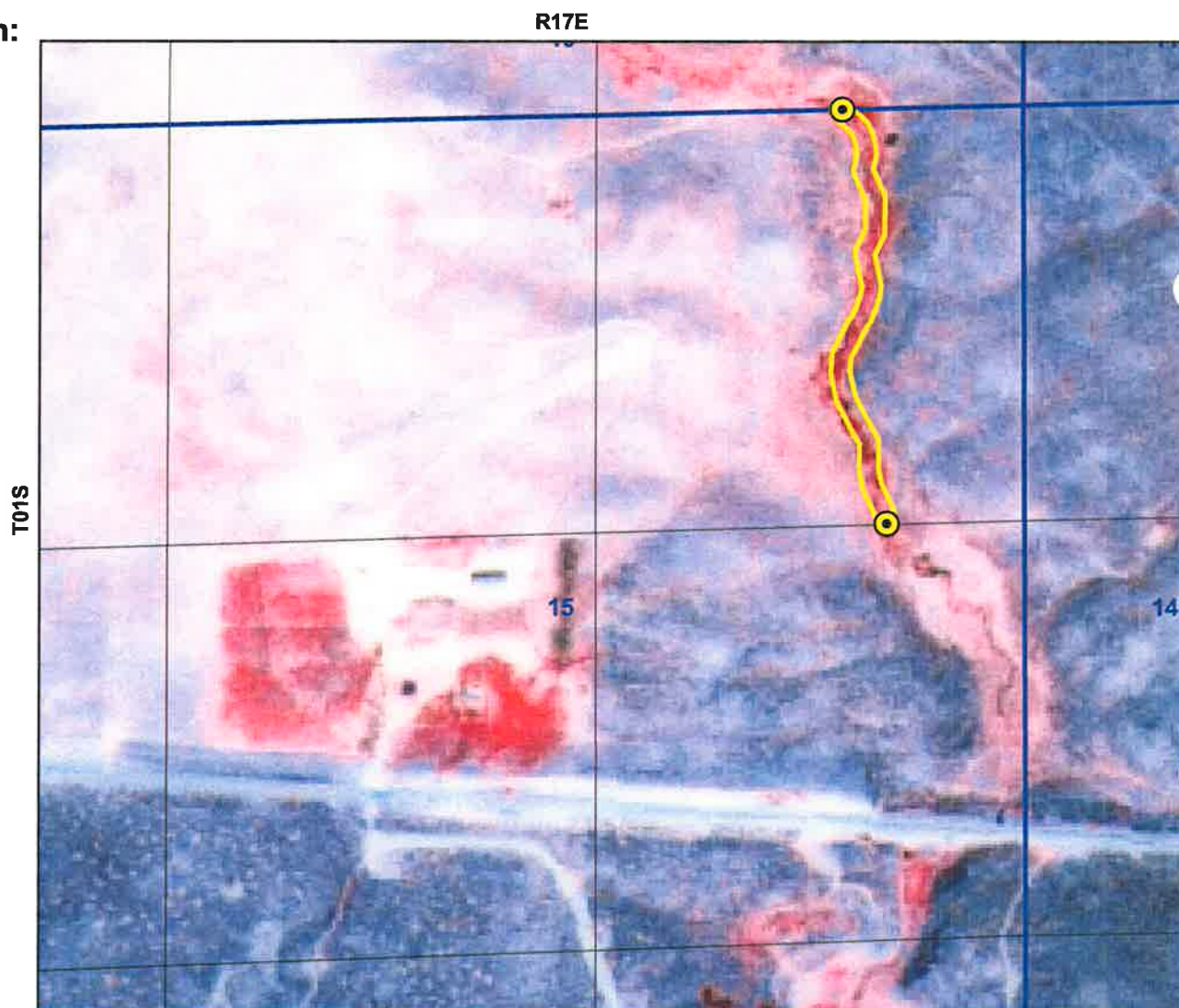
**37-21778**

## Legend

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



Blaine County  
IDWR Basin 37



0

0.25 Miles



Prepared by M. Anders  
On Tuesday, June 6, 2006  
1987/88 Aerial Photography

## Adjudication Claim Notes

**Claim(s): 37-21778**

### Background Data

- Beneficial Use Claim
- Source is Poison Creek tributary to Camas Creek
- Claimed for 0.02 cfs for In-stream Stockwater

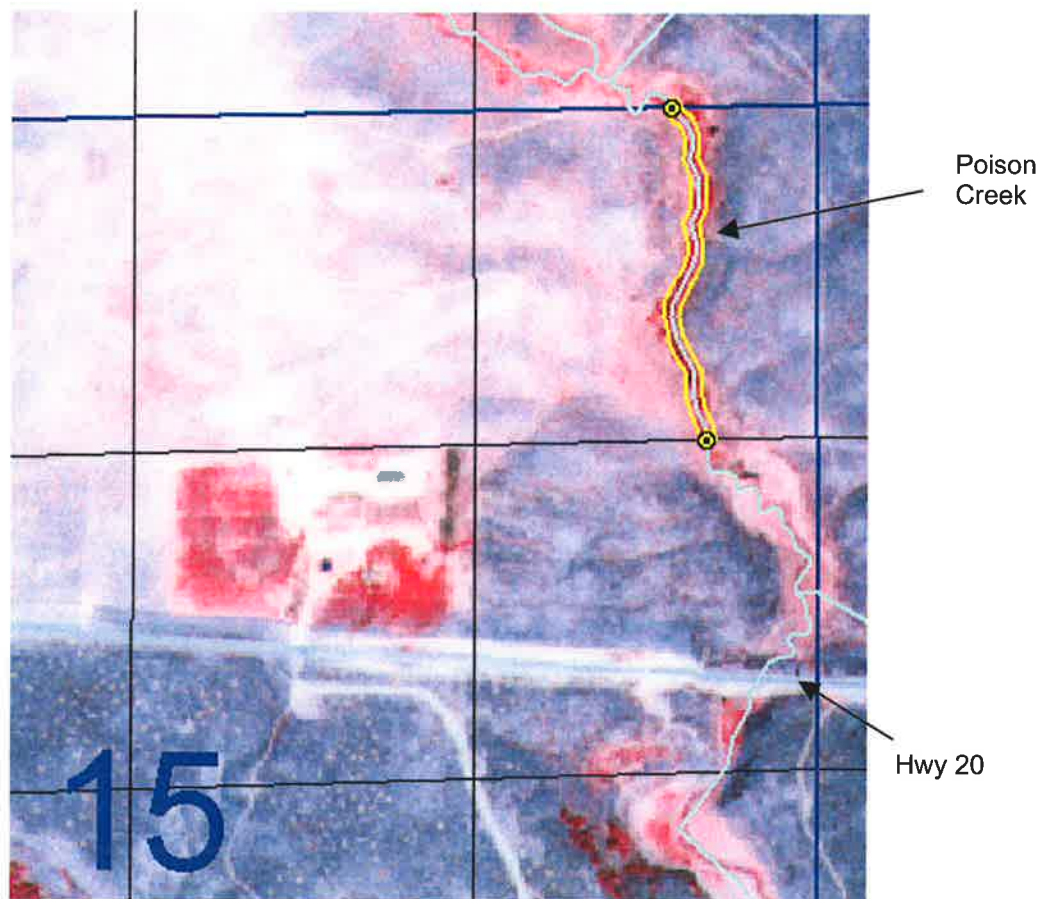
### Place Of Use Data

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 R17E Section 15

- 11/21/05 – Talked with Rex Garner on telephone. Mr. Garner said livestock drink from Poison Creek in NENE Section 15, and two ponds in Poison Creek that are created by small dams installed by former owner (Lea Vell). He is working on evidence of priority and will send it in.
- 12/14/05 – Talked with Sheila Garner on telephone. Mrs. Garner called to discuss types of evidence of priority. She plans to submit it by January 30, 2006.
- 4/21/06 – Status:
  - Poison Creek Stockwater
    - Need new claim for In-Stream
      - Need priority date, diversion rate, and evidence of priority.
    - Need new claim for stockwater ponds
      - Need priority date, diversion rate, and evidence of priority.
- 6/5/06 – Met with Rex & Sheila Garner at my office. They identified the locations of the stock ponds on Poison Creek and the in-stream section used for stockwater. They submitted an affidavit from Lonnie & Ben LeaVell as evidence of priority stating that the ponds were constructed in 1970 or 1971. Consulted Don Shaff on the affidavit and concluded that the affidavit was acceptable evidence of priority for a beneficial use claim in the SRBA. They reviewed, signed, and paid for new claims 37-21778 and 37-21779.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

37-12036

37-21778

37-21779

# LEAVELL CATTLE

Lonnie Leavell  
Cell: (208) 539-0101

P.O. Box 54  
GOODING, IDAHO 83330

(208) 934-8543  
FAX (208) 934-8879

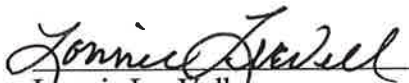
April 24, 2006

Matt Anders  
Department of Water Resources  
1341 Fillmore, Suite 200  
Twin Falls, ID 83301-3380

Re: Moonstone Ranch

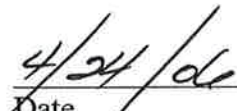
To Whom It May Concern:

To the best of our knowledge the Moonstone Lake/Pond was constructed in 1970 or 1971 and was used for livestock watering, recreation and irrigation of golf course. Poison Creek and pond were used for stock watering. At times there were 4-5,000 head of cattle grazed in that area.

  
\_\_\_\_\_  
Lonnie Leavell

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Ben Leavell

  
\_\_\_\_\_  
Date