

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 37-22044
Date Received: 12/26/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

WILLIAM B GORDON Phone: (650)400-9005
179 ALBION AVE
WOODSIDE CA 94062

DEBRA GORDON Phone: (650)400-9005
179 ALBION AVE
WOODSIDE CA 94062

2. Date of Priority: 1955

3. Source: SPRINGS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	15	NW SW NE	BLAINE	

5. Description of diverting works:

POND EXCAVATED TO CAPTURE FLOW OF SPRINGS. OUTFLOW PIPES LOCATED IN NORTHERN BANK ALLOW OVERFLOW TO DRAIN INTO SMALL CHANNEL DELIVERING THIS WATER TO WARM SPRINGS CREEK.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
WILDLIFE STORAGE	01/01 12/31		2.4

7. Total Quantity Appropriated is:
2.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	17E	14	SW	NE	WILDLIFE STORAGE	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Pond surface area is approximately 0.8 acre with an average depth of 3 feet for an estimated storage volume of 2.4 acre-feet. Affidavit of Ralph Naser is submitted to support claimed priority date and beneficial use.

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number 31-22044
Date Received 12-26-06
Receipt Number 5029147

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 26 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Claimant(s): William B. Gordon and/or Debra Gordon
Phone: (650) 400-9005
Mailing Address: 179 Albion Ave.
Woodside, CA 94062

2. Date of Priority: 1955

3. Source of water supply (a) Springs
which is tributary to (b) Warm Springs Creek

4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
4N	17E	15	NW	SW	NE		Blaine

Additional points of diversion if any:

COPY

5. Description of existing diversion works: Pond excavated to capture flow of springs. Outflow pipes located in northern bank allow overflow water to drain into small channel delivering this water to Warm Springs Creek.

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
storage for wildlife habitat	January 1	December 31	2.4 acre-feet

7. Total Quantity Claimed: 2.4 acre-feet

8. Non-irrigation uses: wildlife habitat

9. Place of use:

<u>TWN</u>	<u>RGE</u>	<u>SEC</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>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>TOTALS</u>
4N	17E	14			W														

TOTALS

10. Place of use is located in Blaine County.

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

12. Describe any other water rights used at the same place and for the same purposes as described above?
None.

13. Remarks: Pond surface area is approximately 0.8 acre with an average depth of 3 feet for an estimated storage volume of 2.4 acre-feet. Affidavit of Ralph Naser is submitted to support claimed priority date and beneficial use.

Last Name:

notice of claim - pond.wpd

COPY

Ident No. _____

12/20/06

MAP OF PROJECT

(Show clearly the point of diversion, place of use, section number, township and range number)

Scale: 2 inches equals 1 mile

SEE ATTACHMENT 1

Last Name:

notice of claim - pond.wpd

COPY

Ident No. _____

12/20/06

14. **Basis of Claim:** Beneficial Use

IDWR Water Right Number:

Court:

Case Number:

Decree Date:

Plaintiff v. Defendant:

15. **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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - two.

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

William B. Gordon

Date 12/21/06

WILLIAM B. GORDON

Debra Gordon

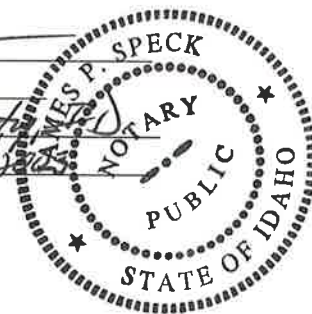
Date 12-21-06

DEBRA GORDON

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 21 day of December, 2006.

J. P. Speck
Notary Public for Idaho
Residing at Blaine, Coeur d'Alene
Commission Expires 1/21/2008



16. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature: _____


James P. Speck, Esq., ISB # 2067
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
Telephone (208) 726-4421
Facsimile (208) 726-0752

Dated this 21 day of December, 2006.

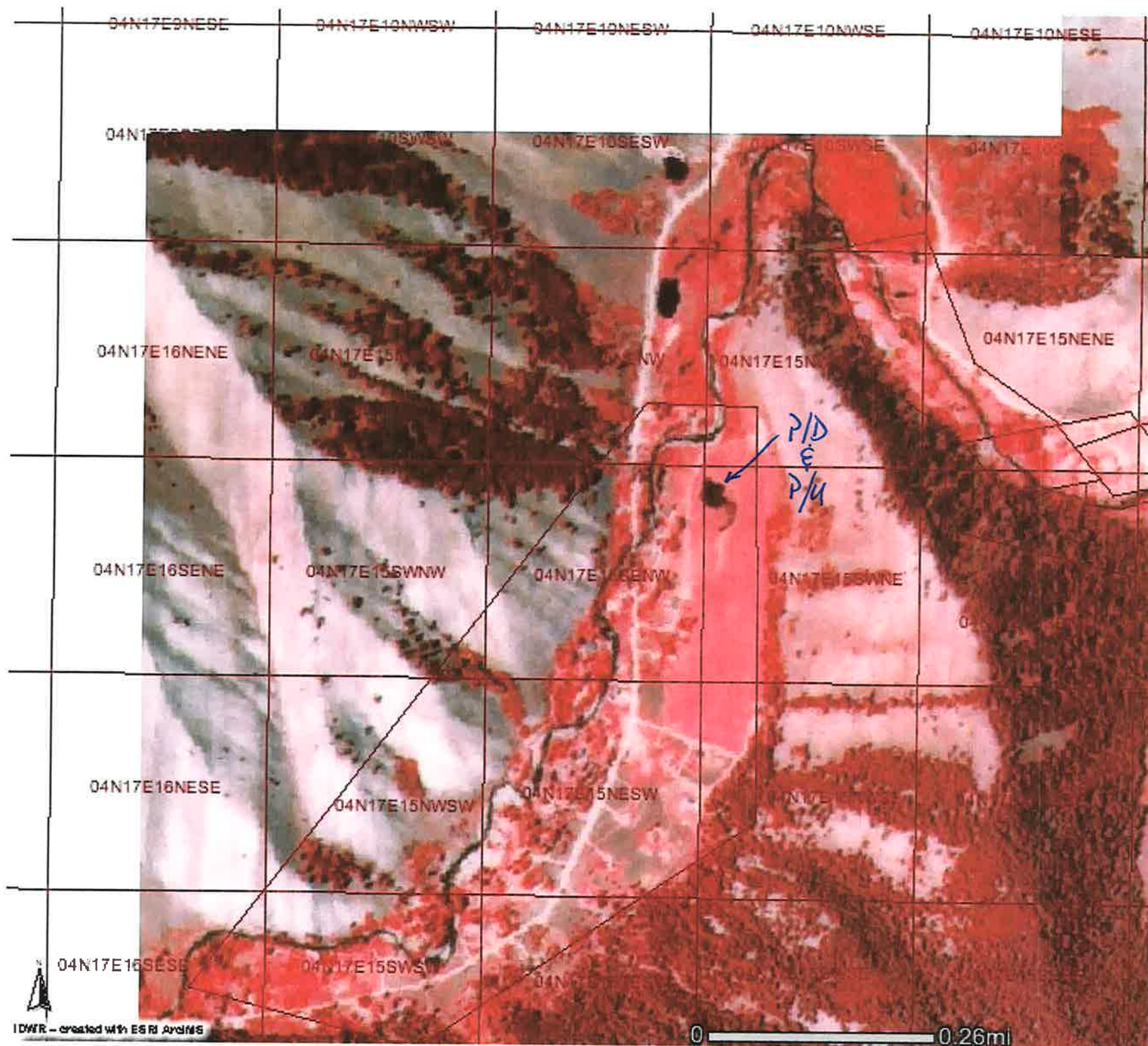
Last Name:

notice of claim - pond.wpd

Ident No. _____

12/20/06

ATTACHMENT 1



SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

December 21, 2006

Mr. Jim Stanton
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
DEC 26 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**Re: William B. Gordon and Debra Gordon;
Notice of Claim;
Our File No. 409/060077**

Dear Jim:

Enclosed you will find the original and one copy of the Notice of Claim for a beneficial use water right to store water in the pond on Mr. and Mrs. Gordon's property for wildlife habitat purpose. As we discussed, this pond is fed by springs only; on water from Warm Springs Creek is diverted into the pond. I have also included my firm's check payable to the Department for the \$102 filing fee.

Please receipt date-stamp the copy and return it to me in the postage prepaid, self-addressed envelope included for that purpose. Call me if you have any questions about the claim. Thank you again for all your help in these matters.

MERRY CHRISTMAS!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jef
Enclosures
cc: Clients by hand delivery (w/encl.)

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22044

NAME AND ADDRESS: WILLIAM B GORDON
179 ALBION AVE
WOODSIDE CA 94062

DEBRA GORDON
179 ALBION AVE
WOODSIDE CA 94062

SOURCE: SPRINGS

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 2.40 AFY

KKC

PRIORITY DATE: 12/31/1955

POINT OF
DIVERSION:

T04N R17E S15 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE STORAGE	01/01 12/31	2.40 AFY

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T04N R17E S15 ~~S14~~ SWNE T04N R17E S15 ~~S14~~ SENW

Place of use does not include federal public lands.

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

The pond established under this right shall not exceed a total capacity of 2.4 acre-feet or a total surface area of 0.8 acres.

This right is subject to regulation by the watermaster of Water District 37.

Property is also known as Homestead Entry Survey No. 293

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

RESPONDENTS:

Scott L. Campbell Date
Attorney for Sinclair Oil Corp. and Newfoundland Partners

IDWR CONCURRENCE:

Kelly K. Christensen 5-4-09

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

04/28/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22044

NAME AND ADDRESS: WILLIAM B GORDON
179 ALBION AVE
WOODSIDE CA 94062

DEBRA GORDON
179 ALBION AVE
WOODSIDE CA 94062

VERIFIED BY

KHC
4-28-09

SOURCE: SPRINGS

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 2.40 AFY

PRIORITY DATE: 12/31/1955

POINT OF
DIVERSION:

T04N R17E S15 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

WILDLIFE STORAGE

01/01 12/31

2.40 AFY

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T04N R17E S15 S14

SWNE

T04N R17E S15 S14

SENW

Place of use does not include federal public lands.

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

The pond established under this right shall not exceed a total capacity of 2.4 acre-feet or a total surface area of 0.8 acres.

This right is subject to regulation by the watermaster of Water District 37.

Property is also known as Homestead Entry Survey No. 293

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Wed Apr 22, 2009

37-22044 Gordon (Speck)

Amended Obj Conc Cit. Div rates should be 1/4 ac. of Surface Area
Vol should not exceed permitted
Measurement before & after
Pond Vol should be measured

Basin Wide issue

00-91014

is, Wildlife,
Aesthetics, Recreation

Big Wood Canal - Right Should not exist

aesthetic/wildlife/& Recreation

A beneficial use? Resp. Newfoundland Port/
Joe Weinstein Right Should not exist

Resp by Gordon - Right is valid. Objectors have waived
their right to assert the claims made
in their objections - Want fees.

Response by Sinclair Oil - Right should not exist

Response by Gordon & others

RE: Motion to Amend by Big Wood

Obj Forest Service P/u should be Sec 15

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, April 28, 2009 11:12 AM
To: 'Jim Speck'; Bromley, Chris; Kelly, Vicki
Cc: 'Bing Gordon'; 'Albert Barker'; 'Mr. Craig D. Hobdey'
Subject: RE: 37-22044 Gordon initial hearing set for April 22, 1:00 pm

Attachments: 37-22044 GORDON Rec SF-5 v-2.doc



37-22044 GORDON
Rec SF-5 v-2.d...

Attached is a tentative recommendation generated to satisfy the points discussed during the April 22 initial hearing.

Please review the recommendation and reply. If everybody is in agreement, then Vicki can use this recommendation to prepare the SF-5.

As a side note the Warm Springs Creek included in the general provisions as a separate stream is NOT this Warm Springs Creek.

KELLY

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, April 06, 2009 4:32 PM
To: Christensen, Kelly
Cc: 'Bing Gordon'; 'Albert Barker'; 'Mr. Craig D. Hobdey'
Subject: RE: 37-22044 Gordon initial hearing set for April 22, 1:00 pm

Kelly,

The objectors filed an amended objection and we are currently discussing how to resolve the issues it raises. I will keep you posted.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

-----Original Message-----

From: Christensen, Kelly

Sent: Monday, April 06, 2009 4:08 PM
To: Jim Speck

Jim,

I have been assigned this one as well as several others. I just wanted to touch bases with you to see if there has been any discussions with the various objectors in this case regarding settlement especially after the ruling on Basin wide 14 decree.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

1:00 hearing
Apr 22, 2009

37-22044 Gordon

Chris/KKC

Pond 3' deep.

Spring Fed enlarged slightly in 1955

Warm Springs designated as a separate stream.

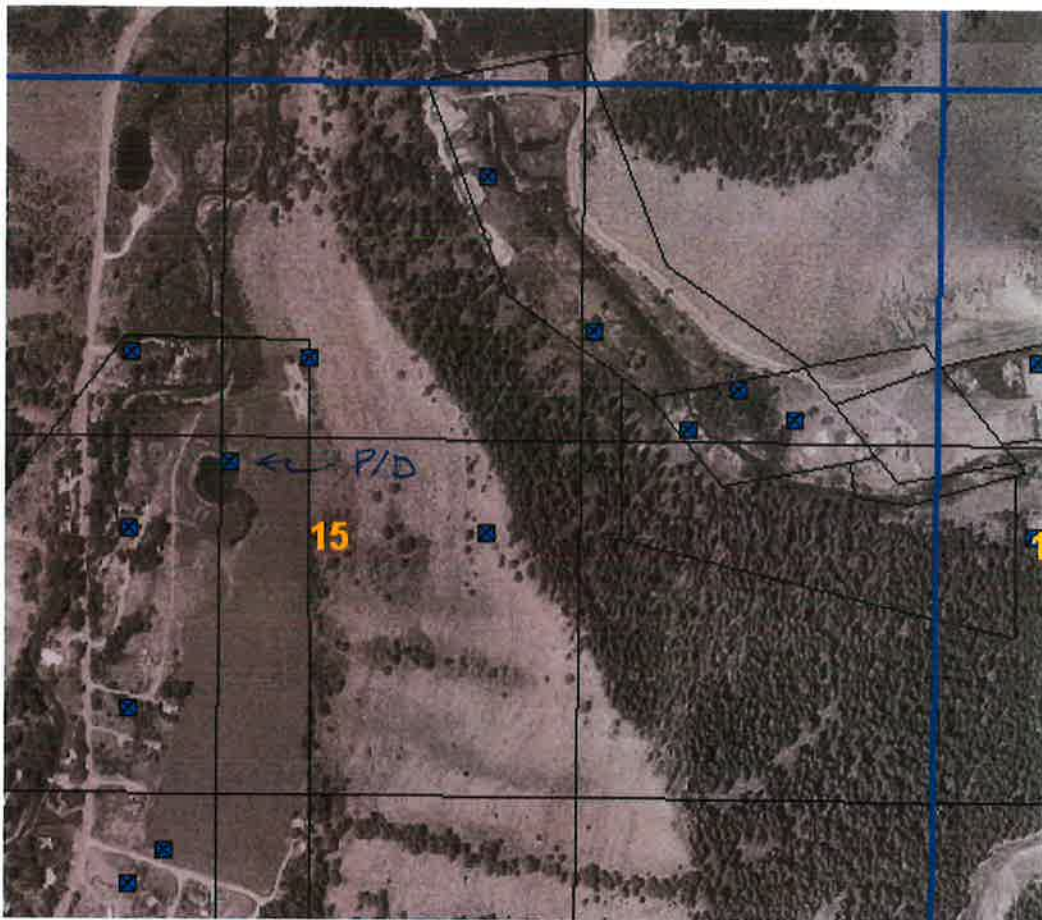
Rmk pull pond desc into Gen/Quant remarks. (currently
an exp Rmk.)

Water master control remark

HES - 293 and not on Fed land.

No dū to storage

Status Conf. Oct 28 1:30



4-N 17E Sec 15

1992 aerial
37-22044
Gordon - Claimant

RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication Bureau

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA)

A. Subcase: 37-22044

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 342-7741

Name & Address of Attorney, if any:

David L. Negri

550 West Fort Street MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: William B Gordon
Debra Gordon

Address: 179 Albion Ave
Woodside, CA 94062

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point of Diversion**

Should be:

6. ☐ **Instream Flow Beginning and Ending Point**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Place of Use**

Should be: Section 15. See E below.

10. **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S):

The places of use in the SWNE and SENW Sec 14, T4N, R17E, as shown on the Directors Report recommendation are on National Forest System (NFS) land. The claimants are not authorized to occupy and use NFS land for this purpose. The places of use should be in Section 15 with the point of diversion.

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, April 06, 2009 4:08 PM
To: 'Jim Speck'
Subject: 37-22044 Gordon initial hearing set for April 22, 1:00 pm

Jim,

I have been assigned this one as well as several others. I just wanted to touch bases with you to see if there has been any discussions with the various objectors in this case regarding settlement especially after the ruling on Basin wide 14 decree.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

RECEIVED
NOV 18, 2008
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A. Subcase No. 37-22044

Case No. 39576)

STANDARD FORM 1

AMENDED OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700
Attorney for O'Gara, Stevenson,
Molyneux, Van Der Meulen, Eakin,
Sherbine & Bashaw

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Telephone: (208) 934-4420
Attorney for Big Wood Canal Company

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:

Name: William B. Gordon
Address: 179 Albion Avenue, Woodside, CA 94062

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☐ **I object because:**
 - ☐ This water right should not exist
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

- Diversion rate should be 1"/acre of surface area.
- Volume should not exceed permitted diversion rate.
- Measuring and monitoring of inflow and outflow of pond should be required.
- Volume of pond should be measured annually.

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris

Big Wood Canal Company

By: _____

Albert P. Barker, Attorney

By: _____

Craig Hobdey, Attorney

F.

VERIFICATION

State of IDAHO)
) ss.
County of Ada)

Albert P. Barker, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 21, 2008



Suzanne Estes
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 6/1/2012

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **Fax filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 21, 2008, I hand-delivered and mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original hand-delivered to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy mailed to the Attorney for claimant of the water right at the following address:

Name: William B. Gordon
c/o James P. Speck
Address: PO Box 987, Ketchum, ID 83340

3. Copies mailed to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Scott L. Campbell / Andrew J. Waldera
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701

James P. Speck
Speck & Aanestad
120 East Avenue
P.O. Box 987
Ketchum, ID 83340

A handwritten signature in dark ink, appearing to read 'Albert P. Barker', written over a horizontal line.

Albert P. Barker

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22044 V1

WATER RIGHT NUMBER: 37-22044 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	WILLIAM B GORDON 179 ALBION AVE WOODSIDE, CA 94062 (650)400-9005
Current Owner	DEBRA GORDON 179 ALBION AVE WOODSIDE, CA 94062 (650)400-9005

Priority Date: 12/31/1955

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WARM SPRINGS CREEK

*Vol = .8 ac surface
* 3.0' deep cave
2.40 a.f.*

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31		2.40 AF
<u>Total Diversion:</u>			2.40 AF

OK per aerial photo

Location of Point(s) of Diversion

SPRINGS	NW1/4SW1/4NE1/4	Sec. 15, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

WILDLIFE STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	17E	14			X				X						

Conditions of Approval:

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.

Remarks:Comments:

1. jstanton 12/26/2006 Claim Review

Comment: I received this claim today, having discussed it with Jim Speck last week. The pond and the channel feeding it are clearly visible on the 1987 ArcView photo. The affidavit supplied with the claim appears to be sufficient to recommend a 1955 priority date, although a month and year are not given. Per Doug Jones, the standard for this situation (incomplete priority date) is to use the last day of the year. The exact date should not be that critical, as the springs flow naturally thru the pond before entering Warm Spring Creek; there is no headgate that can be shut off during a priority cutoff. The claim has the pou in the wrong section, so I will correct this in the recommendation. Everything else seems to be in order, so the claim will be recommended for decree.

2. jstanton 1/4/2007 Remark

Comment: Pond surface area is approximately 0.8 acre with an average depth of 3 feet for an estimated storage volume of 2.4 acre-feet. Affidavit of Ralph Naser is submitted to support claimed priority date and beneficial use.

Sec 15

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-22044

WATER RIGHT NUMBER: 37-22044

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	WILLIAM B GORDON 179 ALBION AVE WOODSIDE, CA 94062 (650)400-9005
Current Owner	DEBRA GORDON 179 ALBION AVE WOODSIDE, CA 94062 (650)400-9005

Priority Date:

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31		2.40 AF
<u>Total Diversion:</u>			2.40 AF

Location of Point(s) of Diversion

SPRINGS	NW1/4SW1/4NE1/4	Sec. 15, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	14			X														

Conditions of Approval:

1. Pond surface area is approximately 0.8 acre with an average depth of 3 feet for an estimated storage volume of 2.4 acre-feet. Affidavit of Ralph Naser is submitted to support claimed priority date and beneficial use.

Remarks:Dates and Other Information:

Claim Received Date: 12/26/2006

01/04/2007

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

RIGHT NUMBER: 37-22044

NAME AND ADDRESS: WILLIAM B GORDON
179 ALBION AVE
WOODSIDE CA 94062

DEBRA GORDON
179 ALBION AVE
WOODSIDE CA 94062

SOURCE: SPRINGS

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 2.400 AFY

PRIORITY DATE: 12/31/1955

POINT OF DIVERSION:

T04N R17E S15 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	01/01 12/31	2.40 AFY

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T04N R17E S14 SWNE ^{OK} T04N R17E S14 SENW ^{OK}

Sec 15

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

Pond surface area is approximately 0.8 acre with an average depth of 3 feet for an estimated storage volume of 2.4 acre-feet.



Idaho Department of Water Resources

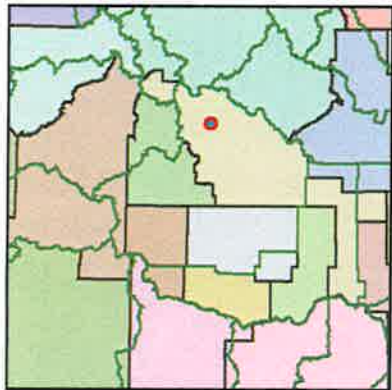
SRBA Recommendation:

37-22044

(Wildlife Storage)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by J. Stanton
On Wednesday, December 27, 2006
2004 Aerial Photography

Owner: William B Gordon

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

AFFIDAVIT

STATE OF IDAHO)
)
COUNTY OF BLAINE) SS.

I, RALPH NASER, being duly sworn, under oath, depose and state as follows:

1. I have been a resident of Blaine County, Idaho for ____ years.

2. My Father in Law A, Hedley Board, bought the homestead we now call the Lower Board

Ranch in about 1955. There was an existing pond, fed by natural springs, just below the bench pasture area in the location shown on the aerial photograph attached to this Affidavit as **Exhibit A**.

I believe the pond in 1955 was approximately one-quarter to one-half acre in surface area.

3. Later in 1955 Hedley dug out and enlarged the northern end of the pond to its present size. No improvements were made to the springs as they naturally flow into the pond.

4. The outflow of the pond drains down a small natural ditch into Warm Springs Creek.

5. In 1955 there were quite a few native trout in the pond. Since then, ducks, kingfishers, herons, otters and other fish eating birds and wildlife have frequented the pond and significantly reduced the number of natural fish. My home is right at the northern end of the pasture area and my driveway runs by the pond. I have placed a culvert under the driveway to allow the pond outflow through the drain ditch to continue on to Warm Springs Creek. I have enjoyed watching the birds and other wildlife use the pond for more than fifty (50) years.



Ralph Naser
RALPH NASER

SWORN to before me this 8th day of November, 2006.

Linda Pacerra
Notary Public for Idaho

Residing at: Sailey Id

Comm. Expires : 10/10/2009

