

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 BEAR RIVER BASIN WATER SYSTEM

RECEIVED

JAN 07 2025

CIVIL CASE NUMBER: 79576

Claim ID: 13-4213

Date Received: 1/7/25

Receipt No: P001704

Claim Fee: \$120.00 By: mg

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) City of Clifton Phone (208) 339 8500

Mailing address PO Box 37 Clifton ID 83228
Street or Box City State

Email address (optional) cliftoncity@gmail.com

2. Date of priority: (Only one per claim) 1/1/1919 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Loading Spring & Peanut Spring
which is tributary to (b) Clifton Creek

4. a. Location of point of diversion is: Township 14S, Range 38E, Section 32,
NE 1/4 of NW 1/4, Govt. Lot _____, BM, County of Franklin

Parcel no. _____

Additional points of diversion, if any: NENW

If available, GPS Coordinates _____

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

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

Govt. Lot _____, BM, County of _____

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

Govt. Lot _____, BM, 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 ditched and piped to Clifton City residents. Water is currently stored in 100,000 gal and 50,000 gal
tanks, and gravity fed to city.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Municipal purposes from 1/1 to 12/31 amount 0.7 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.7 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. 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	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel no(s). See Map Total number of acres irrigated _____

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

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.
13-2191 or None ()

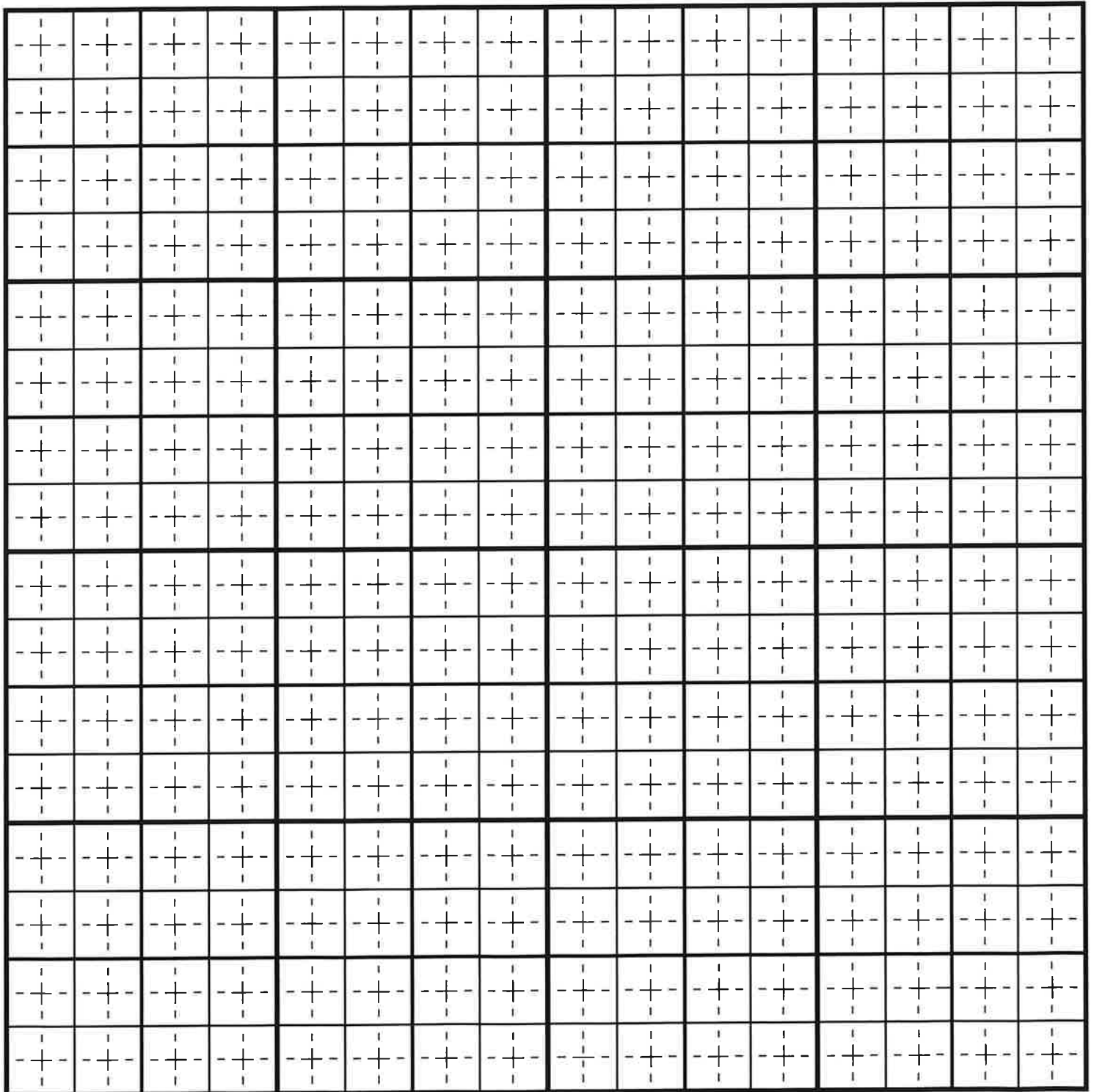
13. Remarks (Include an explanation of the priority date selected):

This is when the spring was first used for the city and use continues today. The water is piped and joins with the water from 13-2191 and is stored in the same tanks.

Name of claimant(s) _____ Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) _____

Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (✓) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-4213 Statutory Claim

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 notices in the Bear River Basin Water System 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 under penalty of perjury 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 under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Mayor of City of Clifton
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent [Signature] Date Dec 30, 2024

Printed Name of Authorized Agent Wesley E. Mumford

16. Notice of Appearance:

Notice is hereby given that I, (please print) _____, 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 [Signature] Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

DECRETE

DEPARTMENT OF RECLAMATION
State of Idaho; Albert F.
Tenderson and Albert C. Carlson

Defendants

The Court having made and filed herein its findings of Fact and Conclusions of law, from which it found the issues herein in favor of the said Plaintiffs and against the defendants, which said Findings of Fact and Conclusions of Law are made part hereof, and the Court being fully advised in the said premises,

It is hereby ordered, adjudged and decreed That water License No. 16935 for Permit No. 16935, issued to Albert C. Carlson, for capacity of 0.1 Second foot of water for water from what was designated Pea Hut Spring, entered of record in Volume 8 of Licenses, at page 3889, on the 14th day of Sept. 1925, confirming order from July 13, 1928, point of diversion in the SW 1/4 Sec. 32 Twp. 14 S.R. 36 E.B.M. Franklin County, Idaho, be and the same is hereby cancelled, annulled and void for naught.

1-3-2ms It is hereby ordered, adjudged and decreed that water license No. 16884 for Permit No. 16884, issued to Albert F. Henderson, for Capacity of 6.2 Second foot of water for water from ~~land~~ ^{water} designated Hog Back Springs, entered of Record in Volume 6, at Page 3588 (Office of Registration, Boise, Idaho) on the 14th day of August, 1959, for the term of Aug. 23rd, 1959, confirming dates from May 23rd, 1953, point of diversion in NE 1/4 Sec. 32, Twp. 14 South, Range 28 E.B.M., Franklin County, Idaho, be and the same is hereby cancelled, annulled and held for naught.

It is further ordered, adjudged and decreed that said waters in said license described, have been used by Plaintiff since 1869 and decreed to Plaintiff in that certain suit in equity, wherein Stan Power & Light Co. was Plaintiff and East Kansas Cattle Company et al defendants, which decree is recorded in Franklin County, Kansas, as Book one of Judgments, page 303, section 300 that the said waters are tributary to Clifton Creek, and used by Plaintiff as aforesaid and piPED to Plaintiff Village of Clifton and used by the inhabitants of said Village ever since the year 1913.

That the defendants have no right, title or interest in or to said Springs or any part thereof.

That Plaintiffs are to provide pursuant to the terms of the stipulation filed as aforesaid, a watering Place for Defendant Henderson and the Public in General, upon right of way to be furnished by said defendant, the right of ingress and egress thereto and therefrom not to be obstructed by fences or otherwise.

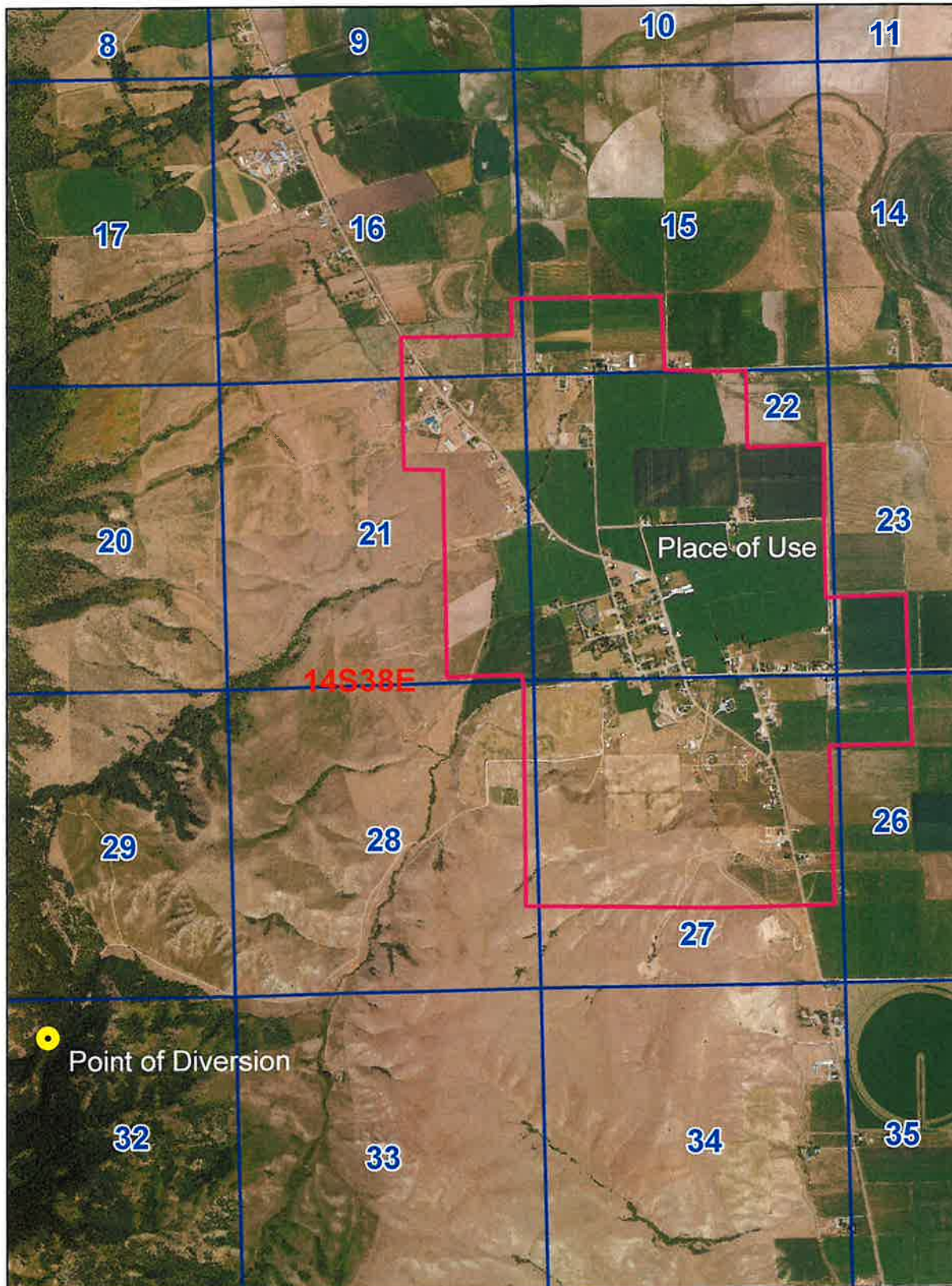
Dated this 8 day of February, 1930.

Jay L. Downing
District Judge.

A copy of the foregoing decree and of the Findings of Fact, conclusions of Law, Received by the undersigned Attorney for the Defendant Albert F. Henderson this 5th day of February, 1935.

C. R. Morrissey

City of Clifton Water Right 13-4213



Legend

