

**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

CIVIL CASE NUMBER: 79576

Ident. Number: 13-244
Date Received: 2/10/2023
Receipt No: P800016
Claim Fee: \$25.00
Received By: MB

RECEIVED

FEB 10 2023

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s)

GERALD C COLE
5527 E GLENDALE RD
PRESTON ID 83263

Phone: (208) 852-2969

AND/OR

KATHLEEN J COLE
5527 E GLENDALE RD
PRESTON ID 83263

Phone: (208) 852-2969

2. Date of Priority: 6/1/1881

3. Source:
SPRING

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
15S	40E	15	SE NE		FRANKLIN	

5. Description of diverting works:

SPRING BOX COLLECTS WATER AND FLOWS INTO PIPE OVERFLOW FEEDS A CREEK THAT STOCK
DRINK FROM AND IRRIGATES THE FIELD.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
STOCKWATER	1/01	12/31	0.02		1.5

7. Total Quantity Appropriated is:

0.02 C.F.S. and/or A.F.A.

8. Non-irrigation uses: STOCKWATER USE FOR UP TO 120 HEAD OF CATTLE

9. Place of use:

STOCKWATER within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
15S	40E	15	SE		NE		
15S	40E	15	SE		NE		

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

13. Basis of Claim: Decreed

14. 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 BEAR River Basin Adjudication." (b.) I/We do _____ do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____ 1 _____

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): Gerald C Cole Date: 2/10/23

Date: _____

13-244: Notice of Claim to a Water Right



Township 15 South, Range 40 East of the Boise Meridian

Section 10: Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10, and running thence South 660 feet, thence West 600 feet, thence South 45° West 85 feet, more or less, to a point which is 720 feet South and 660 feet West of the point of beginning, thence South 1920 feet, thence West 4620 feet to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, thence North 2640 feet to a point 5280 feet West of the point of beginning, thence East 5280 feet to the point of beginning.

EXCEPTING THEREFROM HOWEVER, the following described property: Commencing at a point 700 feet West of the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10, and running thence South 250 feet; thence West 160 feet; thence North 250 feet; thence East 100 feet to the place of beginning. ALSO, the right to the use of 1/2 of the waters of the spring located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10, and a right of way 10 feet on each side of the following described center line for access to said spring: Commencing at a point 65 rods West and 161 rods-4 feet South of the Northeast corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10; thence running North and Northwesterly to a point 750 feet West and 25 feet South of the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 10.

ALSO INCLUDING, a reasonable right of way through the North half of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 to enable grantees to move farm equipment around the gully originating from the spring in said North half of the SE $\frac{1}{4}$ NE $\frac{1}{4}$. Together with right to the waters arising in said spring and flowing North onto the land to grantees through said gully.

TOGETHER WITH, all appurtenances to said land in anywise belonging or appertaining, and all improvements thereon.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/8/2023

Water Right 13-244

Owner Type **Name and Address**
Current Owner ARLENE WANNER
RT 3
PRESTON, ID 83263

Current Owner L BERTUS WANNER
RT 3
PRESTON, ID 83263

Priority Date: 6/1/1881

Basis: Decreed

Status: Active

Source
SPRING

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.060 CFS	10.5 AF
STOCKWATER	1/01	12/31	0.020 CFS	1.5 AF
DOMESTIC	1/01	12/31	0.040 CFS	1.2 AF
	<u>Total Diversion</u>		0.100 CFS	13.2 AF

Source and Point(s) of Diversion:

SPRING NENE

Sec. 15, Twp 15S, Rge 40E, FRANKLIN County

Place Of Use:

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	40E	10															3.0		3.0

POU Total Acres: 3.0

STOCKWATER Same as IRRIGATION

DOMESTIC Same as IRRIGATION

Conditions of Approval: