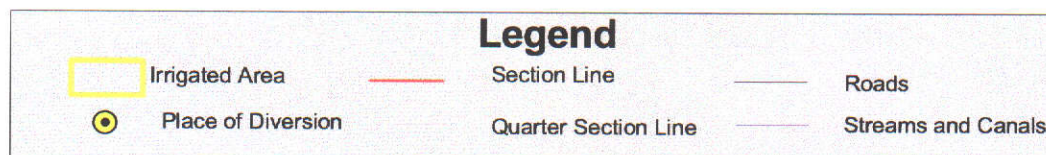
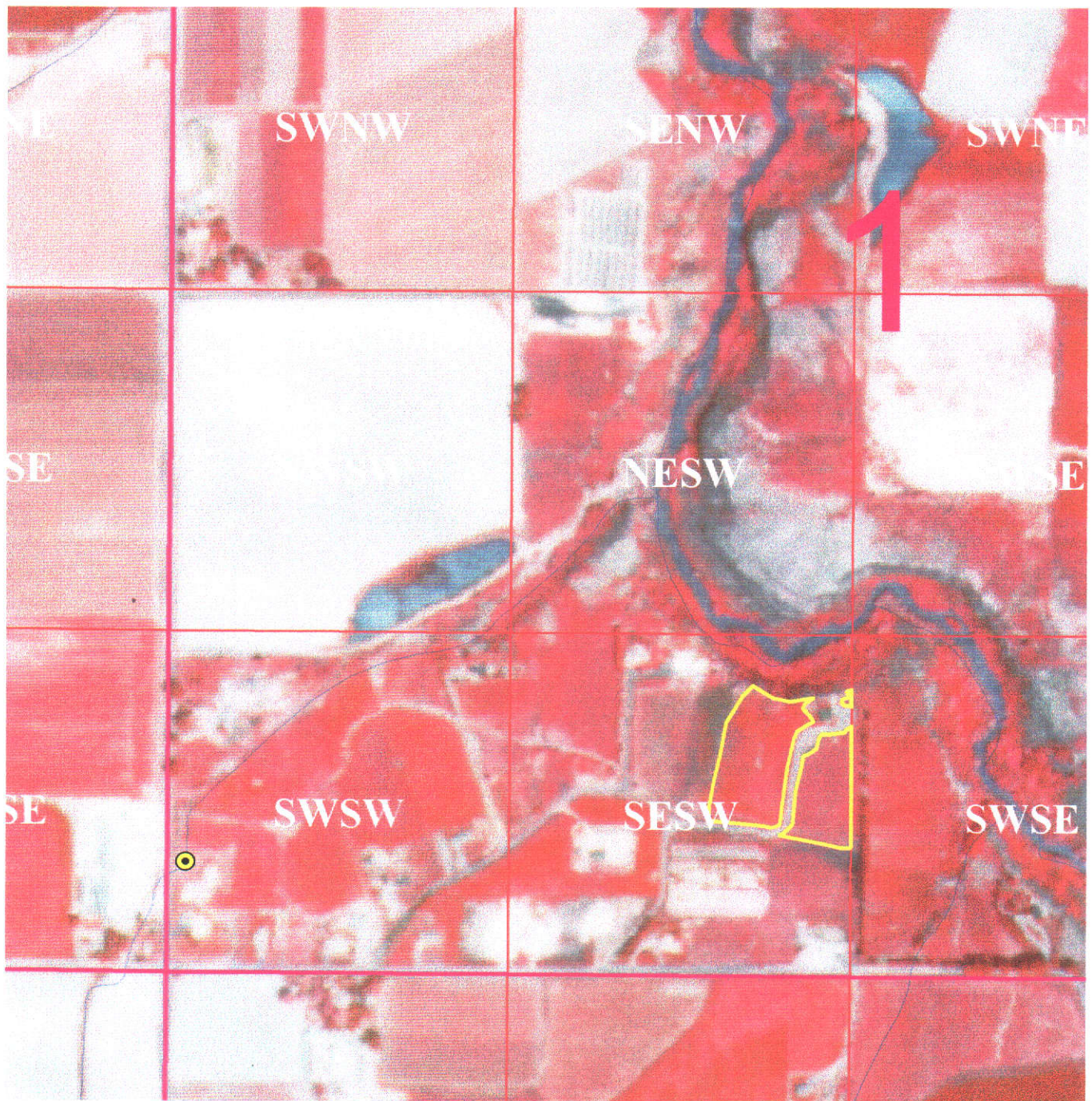


Water Right Claim Number 47-04358  
Township , 10S16E

01/23/2001



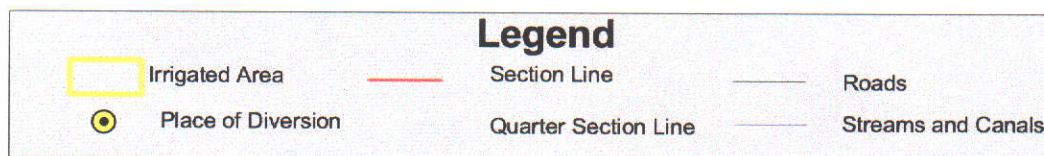
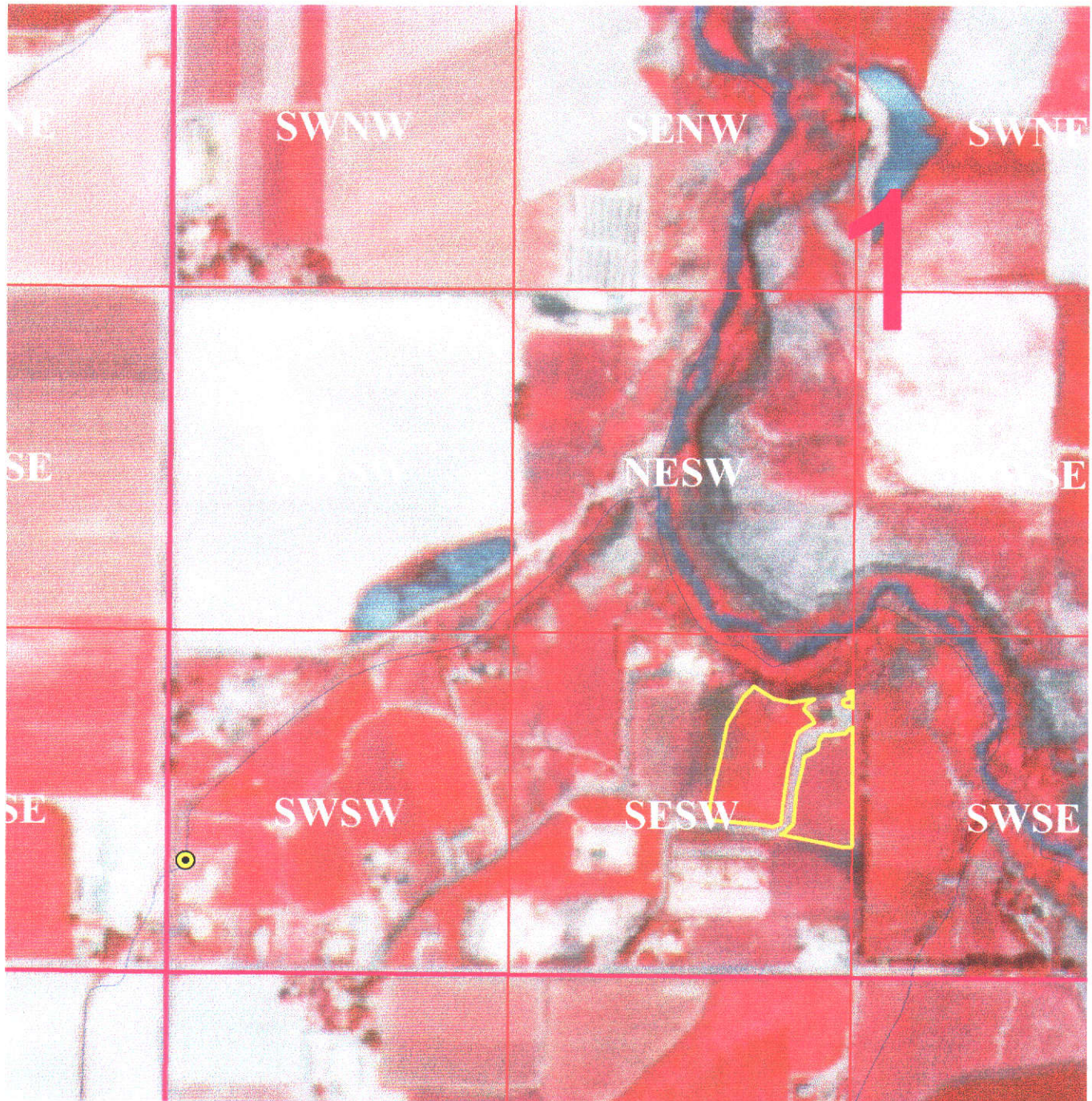
400 0 400 800 Feet



 SPATIAL  
DYNAMICS

Water Right Claim Number 47-04358  
Township , 10S16E

01/23/2001



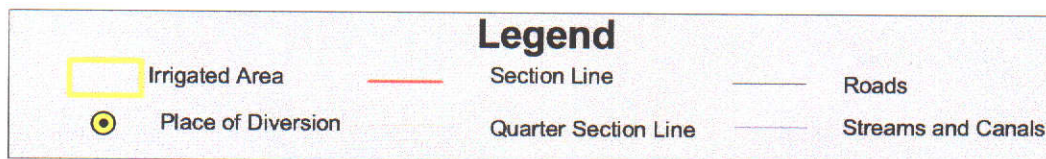
400 0 400 800 Feet



SPATIAL  
DYNAMICS

Water Right Claim Number 47-04358  
Township , 10S16E

01/23/2001



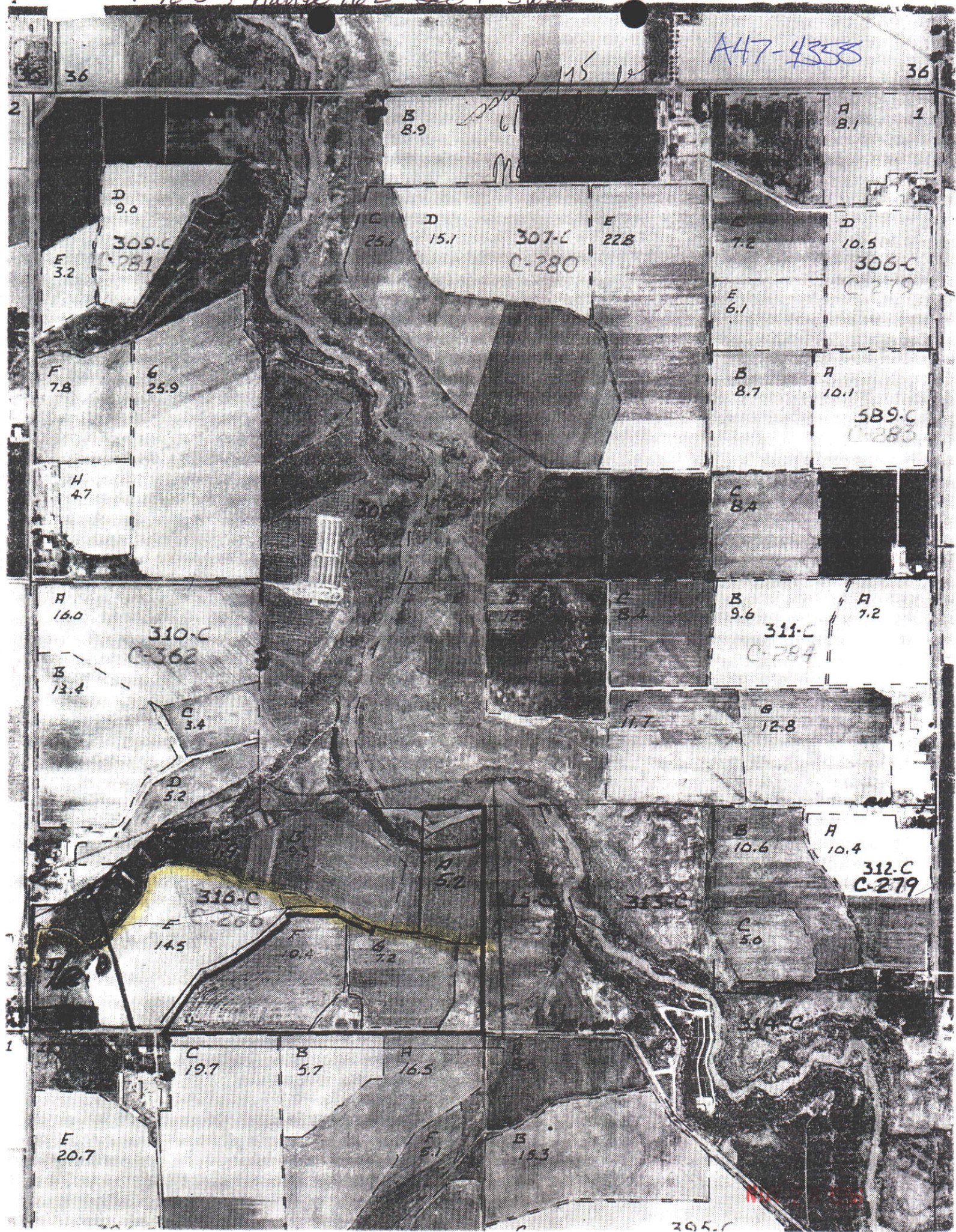
400 0 400 800 Feet



SPATIAL  
DYNAMICS

T10S, Range 16E Sec 1 SWSW

A47-4358



13.4

C  
3.4

D  
5.2

B  
9.3

D  
5.2

316-C

E  
14.5

F  
10.4

G  
7.2

15-C

C  
19.7

B  
5.7

A  
16.5

B  
8.8

F

F

B

A47-1238

9551 9.7 10.1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAH  
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: A47-04358  
Date Received: 11/09/1988  
Receipt No: S003687  
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: G. W. WARNER 208-736-0910  
Address: 2634E 4000N  
TWIN FALLS, ID 83301

2. Date of Priority: JAN 01, 1932

3. Source: UNNAMED STREAM Trib. to: ROCK CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 10S      | 16E   | 1       | SW     | SW     |     |     | TWIN FALLS |

5. Description of diverting works:  
DIVERSION DAM & DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.000  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

7. Total Quantity Appropriated is:  
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/35 RANGE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 10S           | 16E   | 1       | SE     | SW  |     | IRR | 5.0   |
| Section Acres |       |         |        |     |     |     | 5.0   |

A47-04358

Page 1

Date: 11/09/88

RECORDED

MAR 11 1993

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): *J W Warner* Date: 11-9-88  
Date:                     

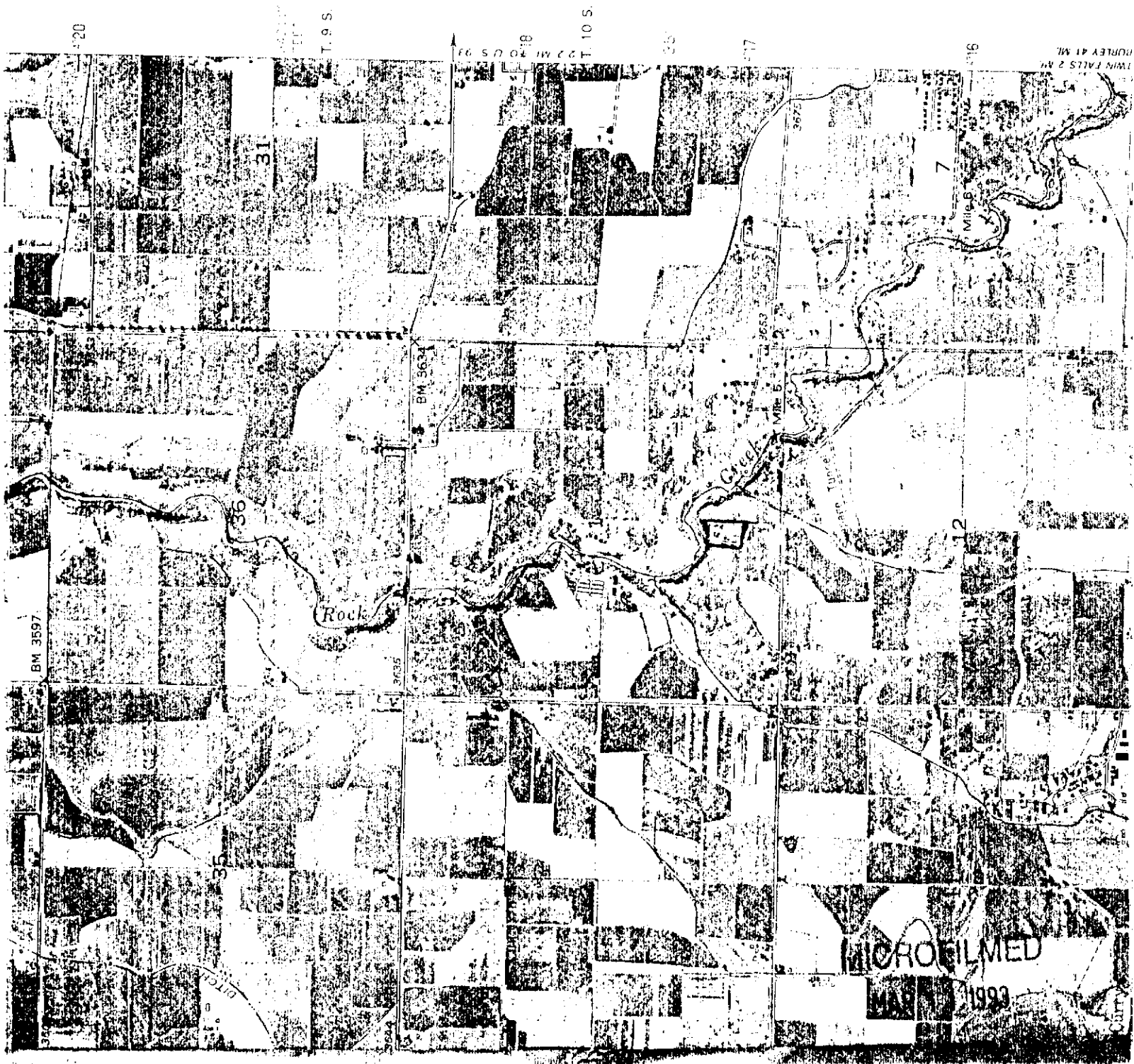
State of Idaho )  
County of TF ) SS.

Subscribed and sworn (or affirmed) before me this 9<sup>th</sup> day  
of Nov 19 88 *Lois White*  
Notary Public

Seal

Residing at TF  
My Commission Expires 5/95

# T9S T10S



RECEIVED

MAR 07 1995

Department of Water Resources  
Southern Region

3 March 1995

G. W. "Bill" Warner  
2634 E 4000 N  
Twin Falls, Idaho 83301

A47-4358

Doug Jones  
Idaho Department of Water Resources  
222 Shoshone St. East  
Twin Falls, Idaho 83301

Dear Mr. Jones,

In compliance with your letter of 10 January 1995 in reaction to unnamed stream, I submit the following information as proof of my fathers and my ownership of said property. And as to the date said unnamed stream was created and used. The location of said stream is T10S, Range 16E, Section 1 SWSW.

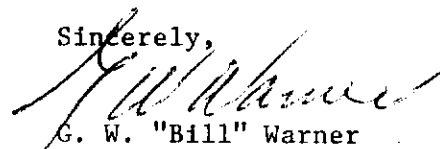
I have lived on described farm of 120 acres since its purchase in 1927 from Scottish - American Mortgage Company. The unnamed ditch was created in March 1932 and used in 1932 to present for irrigation of pasture and crops and livestock.

I have enclosed the following affidavits and ariel photographs regarding said unnamed stream.

1. Ariel photograph from ASC office issued 25 June 1975 of farm showing coulee and unnamed ditch that was created March 1932.
2. Enlargement of ariel photograph named in number 1. The unnamed stream is highlited in yellow. This photograph was taken before any five acre lots were sold and homes built after 1972.
3. Notarized affidavit of Floyd Sharp who has resided in this area since 1916. He now resides at 4253 N 2600 E, Twin Falls, Idaho.
4. Notarized affidavit of Paul C. Brown, a resident of the area since 1919. He now resides at 2451 E 4000 N, Filer, Idaho.
5. Notarized affidavit of Ernes Allred, a resident of the area since about 1933.. He resides at 21423A U. S. Highway 30, Twin Falls, Idaho.

I have not included other documents I have as to titles, deeds, licenses, etc., as you said those documents should not be included.

Sincerely,

  
G. W. "Bill" Warner

Phone: 208-736-0910

SEE ATTACHMENT 'A'

NOV 28 1996

STATE OF IDAHO                    )  
County of Twin Falls ) ss.

A47-4358

On this 7<sup>th</sup> day of march, 1995,  
before me the undersigned, a Notary Public in and for  
said State, personally appeared

H W Warner

known or identified to me to be the person(s) whose names  
are subscribed to the within and foregoing instrument and  
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed my official seal the day and year first under  
written.

Judy, Givens  
NOTARY PUBLIC FOR IDAHO  
JUDY GIVENS

Seal

RESIDING AT:

Twin Falls Co.  
MY COMMISSION EXPIRES: 7/18/1989 to 7/18/1995

CERTIFICATE

A47-4358

I hereby certify that the attached documents are true and correct documents.

*LaVar Steel*

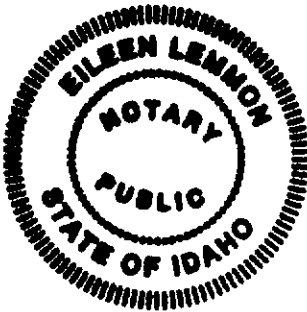
LaVar Steel

*G.W. Warner*

G.W. Warner

STATE OF IDAHO        )  
County of Twin Falls ) ss.

Subscribed and sworn to before me this 6th day of March, 1995.



*Eileen Lemmon*  
Notary Public - Twin Falls, Idaho  
Commission Expires: Oct. 6, 1998

NOV 28 1996

A47-4358

Feb 22, 1995

To Whom it May Concern

I have been a resident here for 76 years  
on farm on pole line road. I have been  
acquainted with Warner family all these years  
and can testify that I have driven by the  
Warner farm and witnessed the water diver-  
sion from the seep stream which crosses the  
road just south of the Warner home place.  
It has been used by them for irrigation.

STATE OF IDAHO  
COUNTY OF TWIN FALLS  
3/7/1995

Judy Givens

NOTARY PUBLIC FOR IDAHO  
JUDY GIVENS  
RESIDING AT:  
TWIN FALLS CO.  
MY COMMISSION EXPIRES:  
7/18/1995

2558 E 4100 N

7th, Ida

Monroe W Hays

I VERIFY THAT MR. G. W. WARNER SAW MR. HAYS SIGN THIS FORM.

Note

Mr Hays is eighty years old and unable to  
write so he told me what to record and he  
signed it. G W Warner

NOV 28 1996

A47-4358

I've lived here since 1916 and I've known  
L.A. Warner since the late 1920's. I remember  
when he put that ditch in I used to  
fish in that deep stream or creek.  
He took water out of it to water pasture

Lloyd Sharp  
Tiberdala R 1

Phone 733-1296

4253 N - 2600 E

STATE OF IDAHO  
COUNTY OF TWIN FALLS

3/7/1995

Judy Givens  
NOTARY PUBLIC FOR IDAHO  
JUDY GIVENS

RESIDING AT:  
TWIN FALLS CO  
MY COMMISSION EXPIRES:  
7/18/1995

SEAL

I VERIFY THAT MR. G. W. WARNER  
SAW MR. SHARP SIGN THIS FORM.

G.W. Warner

NOV 28 1996

To whom it may concern:

A47-4358

I have known the Warners, particularly Bill, since childhood. Living north of Warners we drove past on the road to Twin Falls, and can recall the diversion of water from the sage stream - Mr. Warner, senior, allowed me access to fish so I recall this diversion distinctly. This was in the late 1920's and thirties.

I was born in 1919 and grew up 4 miles north of Curry on the Canyon and we were friends of the Warners.

Paul Brown

2457 E 4000 No.

Rt. 1, Filer Id 83328

3/7/1995

STATE OF IDAHO  
COUNTY OF TWIN FALLS

I VERIFY THAT MR. G. W. Warner  
SAW MR. BROWN SIGN THIS FORM.

*G. W. Warner*

*Judy Givens*  
NOTARY PUBLIC FOR IDAHO

JUDY GIVENS

RESIDING AT:

TWIN FALLS CO.

MY COMMISSION EXPIRES:

7/18/1995

7/18/1995

SEAL

NOV 28 1996

Feb 23 1995

To Whom it May Concern,

A47-4358

I have lived 1 mi +  $\frac{3}{4}$  south of the Warner Farm since 1932. In 1940-50 I fished through the Warner farm and saw through these years the water diverted to irrigate their farm.

I have found the Warners to be honest and good citizens.

Ernest Allred

21423A US Hwy 30

Twin Falls, Idaho

83301

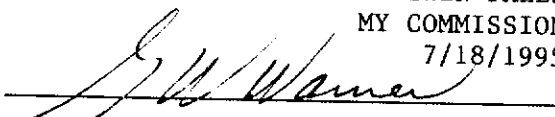
STATE OF IDAHO  
COUNTY OF TWIN FALLS

3/7/1995

SEAL

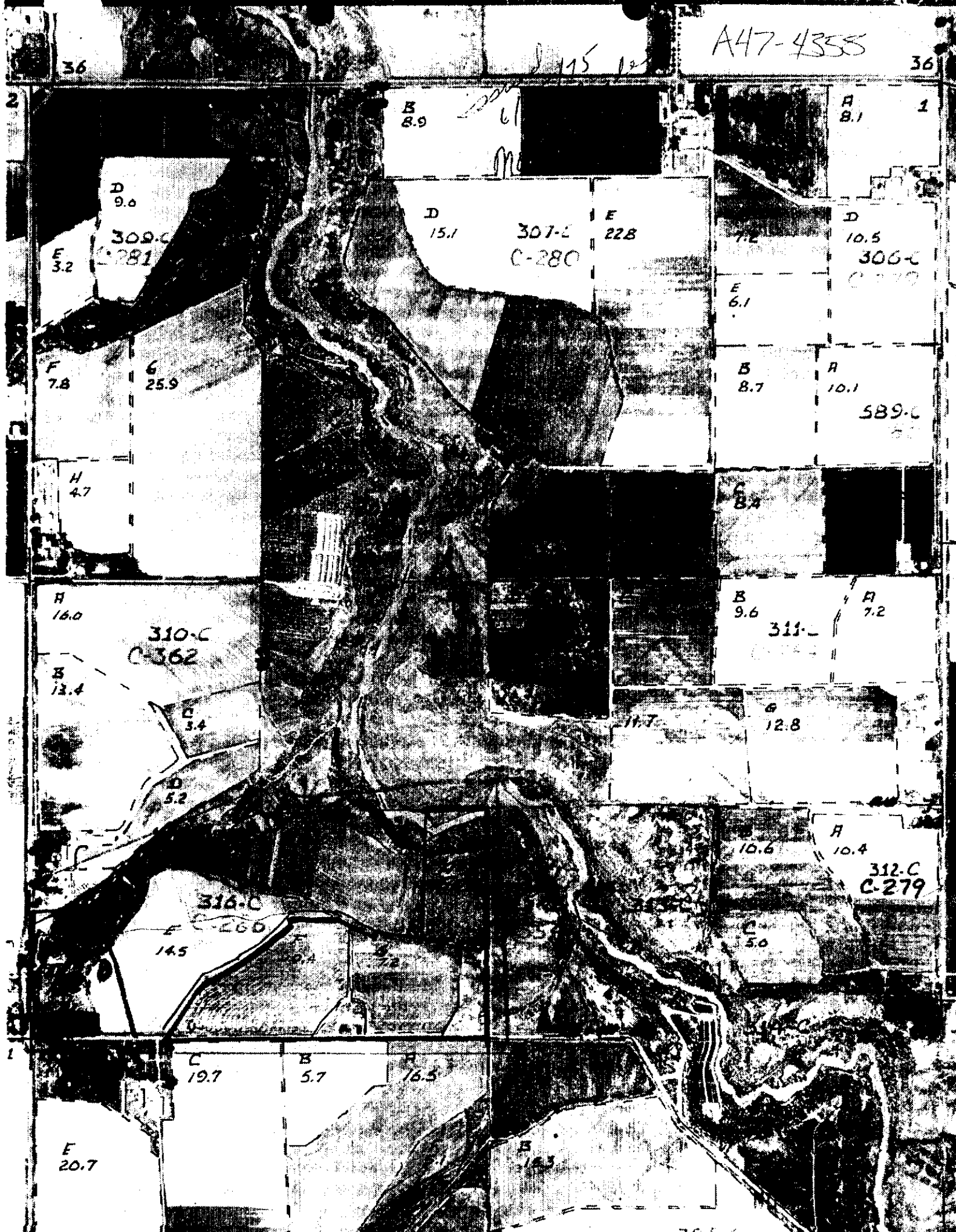
I VERIFY THAT MR G. W. WARNER  
SAW MR. ALLRED SIGN THIS FORM.

  
NOTARY PUBLIC FOR IDAHO  
JUDY GIVENS  
RESIDING AT:  
TWIN FALLS CO.  
MY COMMISSION EXPIRES:  
7/18/1995



T 10 S, Range 16 E, Sec. 1 SW SW

A47-4355



13.4

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3.4

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5.2

447

316-C

E C-200

14.5

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7.2

H  
5.2

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15.0

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19.7

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5.7

A  
16.5

F

B

28 1536

To Whom It May Concern:

I have been a resident of Twin Falls County for seventy six years on my farm on Pole Line road. I have been acquainted with the Warner family all of these years, and can testify that I have driven by the Warner farm and witnessed the water diversion from the seep stream which crosses the road just south of the Warner's home place that has been used by them for irrigation.

Dated this 12<sup>th</sup> day of March, 1995.

Monroe W. Hayes  
Monroe  
2558 E 4100 N  
Filer, Idaho

Subscribed and sworn by Monroe Hayes this 12<sup>th</sup> day of March, 1995.

County of Twin Falls, State of Idaho.

Julia M. Warner  
Notary Public JEROME  
Residing in Twin Falls County, Idaho.  
Commission Expires: 22 February 2002.

RECEIVED

MAR 13 1995

Department of Water Resources  
Southern Region

A47-0135896

I hereby swear that I, Floyd Sharp have lived in Twin Falls County since 1916 and have known Loren Ashley Warner since the late 1920's. I remember when he put that unnamed ditch in, as I used to fish in that seep stream or coolie that fed water into the unnamed ditch to water pasture.

Dated this 12<sup>th</sup> day of March, 1995.

Floyd Sharp.  
Floyd Sharp  
Rural Route 1 4253 N 2600 E  
Filer, Idaho  
Phone 733-1296

Subscribed and sworn by Floyd Sharp this 12<sup>th</sup> day of March, 1995.

County of Twin Falls, State of Idaho.

Shila Quata Warner  
Notary Public SE Rome  
Residing in Twin Falls County, Idaho.

Commission Expires: 22 February 2002.

RECEIVED

MAR 13 1995

Department of Water Resources  
Southern Region

NOV 28 1996

A47-04358

To Whom It May Concern:

I have known the Warner's, particularly G. W. "Bill" Warner since childhood. I have lived North of the Warner' at Route 1 2451 E 4000 N, Filer, Idaho 83328. I drove past the Warner farm and recall the diversion of water from the seepage stream into the unboxed ditch as Loren Ashley Warner allowed me access to fish there. I recall this diversion ditch distinctly. This was in the late 1920's and in the 1930's.

I was born in 1917 and grew up four miles North of Curry on the Cuyler while we were friends of the Warner's.

Dated this 12th day of March, 1995.

Paul Brown  
Paul Brown  
Route 1 2451 E 4000 N  
Filer, Idaho 83328

Subscribed and sworn by Paul Brown this 12th day of March, 1995.

County of Twin Falls, State of Idaho.

Willa Marie Warner  
Notary Public  
Residing in Jerome County, Idaho.

Commission Expires: 22 February 2002.

RECEIVED

MAR 13 1995

Department of Water Resources  
Southern Region

NOV 28 1996

A47-04358

To Whom It May Concern:

I have lived one and three quarter miles South of the G. W. "Bill" Warner farm since 1977. In the 1940 - 1950's I fished through the Warner farm and saw through these years the water diverted into the arroyo ditch to irrigate their farm.

I have found the Warner's to be honest and good citizens.

Dated this 12 day of March, 1995.

Ernest Alfred

Ernest Alfred  
21423 A. U. S. Highway 30  
Twin Falls, Idaho 83301

Subscribed and sworn to by Ernest Alfred this 12 day of March, 1995.

County of TWIN FALLS State of Idaho.

Anita Maria Warner

Notary Public  
Residing in Jerome County, Idaho.

Commission Expires: 22 February 2002.

RECEIVED

MAR 13 1995

Department of Water Resources  
Southern Region

NOV 28 1996

A47-04358



# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

A. KEITH HIGGINSON  
Director

January 10, 1995

A47-04358

G. W. WARNER

2634E 4000N

TWIN FALLS

ID 83301

RE: Evidence of Priority

Dear Claimant:

\*\*\*\*\*  
\* RESPONSE DEADLINE \*  
\* MARCH 15, 1995 \*  
\*\*\*\*\*

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

**SPECIAL NOTE:** The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995  
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.  
Water Rights Supervisor

Enc.

NOV 28 1995

Log for claim 47-04358

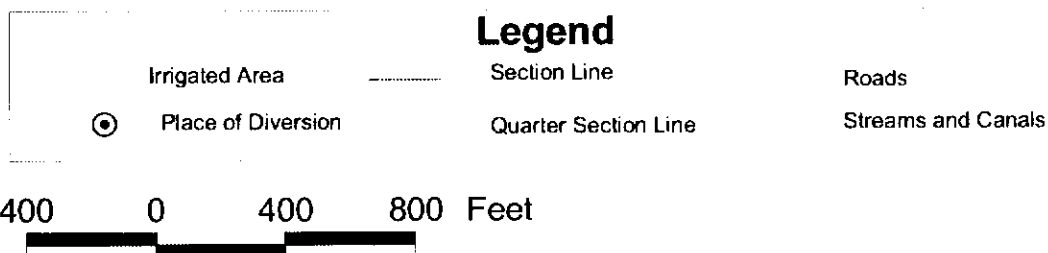
Spatial Dynamics BTD

1/23/01

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 10s16e  | 1   | SESW | 5                | 5.1            |         |
| Totals: |     |      | 5                | 5.1            |         |

Water Right Claim Number 47-04358  
Township , 10S16E

01/23/2001



SPATIAL  
DYNAMICS

Water Right Claim Number 47-04358  
Township , 10S16E

01/23/2001



**Legend**

Irrigated Area

Section Line

Roads

⊙ Place of Diversion

Quarter Section Line

Streams and Canals



400 0 400 800 Feet

SPATIAL  
DYNAMICS

Water Right Claim Number 47-04358  
Township , 10S16E

01/23/2001



**Legend**

- |                    |                      |                    |
|--------------------|----------------------|--------------------|
| Irrigated Area     | Section Line         | Roads              |
| Place of Diversion | Quarter Section Line | Streams and Canals |



400 0 400 800 Feet

SEATTLE  
DYNAMICS

AJ5809NP  
No. A47-04358

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/06/00  
PAGE: 114

| OWNER<br>CODE    | NAME & ADDRESS                                                     | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------|------------------|--------------------------|----------------------------|------------------------|---------------------|
| C                | G W WARNER<br>2634E 4000N<br>TWIN FALLS ID 83301<br>(208) 736-0910 | 01/01/1932       | IRRIGATION<br>STOCKWATER | 04-01 11-01<br>01-01 12-31 | 1.000 CFS<br>0.020 CFS |                     |
| TOTAL DIVERSION: |                                                                    |                  |                          |                            | 1.000 CFS              |                     |

Water Source: UNNAMED STREAM

Tributary to: ROCK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R16E S01 SWSW

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

| NE          |     |   |    |    |    |    |    |    |    |    |    | NW |    |    |    | SW |    |    |    | SE  |     |  |  |  |
|-------------|-----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|--|--|--|
| T           | R   | S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac  | SUM |  |  |  |
| 10S         | 16E | 1 | :  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 5.0 |  |  |  |
| TOTAL ACRES |     |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 5.0 |     |  |  |  |

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: TWIN FALLS

Non-Irrigation Uses: S/35 RANGE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

|           |           |           |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 47-10042  | 47-10205  | 47-11172  | 47-13084  | 47-13668  | 47-13796  | 47-14289  | A47-04270 | A47-04372 | A47-04376 |
| A47-04382 | A47-04394 | A47-04422 | A47-04452 | A47-10042 | A47-10205 | A47-11172 | A47-13084 | A47-13668 | A47-13796 |
| A47-14289 |           |           |           |           |           |           |           |           |           |

Other Water Rights Listing Overlapping Place(s) of Use:

A01-0020922 A47-04394

Dates: Exam Made Date: Verified Date: 03/07/1986 Objection Filed Date:

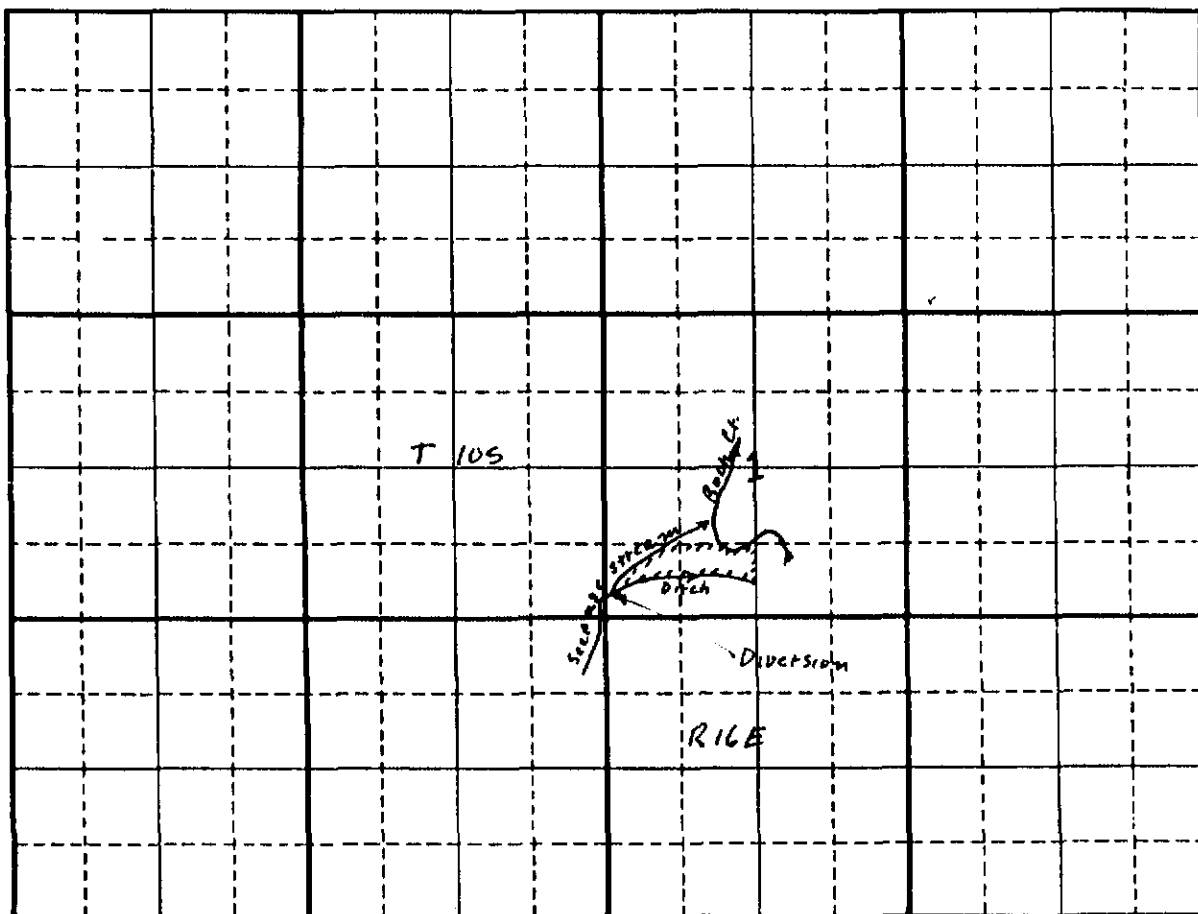
Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 11/09/88 WHITE 03/30/95 POST-STD

NOTE: Include here the type and number of stock watered: Cattle, 35 head

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )

County of Twain Falls ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 22 day of March, 1983.

[Signature]  
(Claimant)

[Signature]  
Notary Public  
Residing at Twain Falls

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by TA Date 3/22/83 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by TB Date 4/6/83 claimant by: \_\_\_\_\_  
\$30.00 fee received by TA Date 3/22/83 #26102  
Published in Twain Falls  
Dates 5/5 & 5/12/83