

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: A73-00042
Date Received: 1/ 5/1990
Receipt No: E011506
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE AETNA CASUALTY & SURETY COMPANY 203-275-2094
Address: ATTN ED BUCKLEY
CITY PLACE
HARTFORD CT 06156

2. Date of Priority: FEB 20, 1886

3. Source: BIG SPRING Trib. to: PAHSIMEROI RIVER
ONEIL CREEK PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	22E	16	NW	NE	SE		CUSTER

5. Description of diverting works:
CONCRETE DIVERSIONS(4'X 5')/OPEN DITCHES/ FLOOD IRR/LOCATION ??

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		
STOCKWATER	01/01	12/31	0.230		
GROUNDWATER RECHARGE	11/01	04/01	5.000		

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

8. Total consumptive use is 1468.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER; 1000 CATTLE



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	22E	16	SW		NW		IRR	40.0
			NW		SW		IRR	27.0
			NW		SW		STOCK	
			SW		SW		IRR	2.0
			Section Acres					69.0
		17	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	37.0
			SW		NW		STOCK	
			SE		NW		IRR	40.0
			NE		SW		IRR	26.0
			NE		SW		STOCK	
			NW		SW		IRR	3.0
			NW		SW		STOCK	
			SE		SW		IRR	1.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	16.0
			SW		SE		STOCK	
			SE		SE		IRR	18.0
			SE		SE		STOCK	
			Section Acres					461.0
		18	NE		NE		IRR	40.0
			SW		NE		STOCK	
			SE		NE		IRR	17.0
			Section Acres					57.0
			Total Acres					587.0

11. Place of use in counties: LEMHI, CUSTER

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

13. Other Water Rights Used:

73-00157, 2155, 2102, 00158

14. Remarks:

P/D INCOMPLETE

14. Remarks: Continued

AMOUNT DECREED = 0.02CFS/IRRIGATED ACRES

*** WATER FROM THIS SPRING IS WARM WATER AND IS USED FOR STOCKWATER YEAR ROUND. WATER FROM RIGHTS SHOWN UNDER #13 ARE USED ONLY ON THE CUSTER COUNTY SIDE OF RIVER

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

J.B. MORROW

Decree Plaintiff

JOSEPH WAGONER

vs

Decree Defendant

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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 73-42
Date Received: 1/6/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SULPHUR CREEK LIVESTOCK Phone: (208)876-4405

PO BOX 151
MAY ID 83253

2. Date of Priority: 02/20/1886

3. Source: BIG SPRINGS , O'NEIL CREEK Trib. to: Pahsimeroi River , Pahsimeroi River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
14N	22E	16	NW NE SE	CUSTER

5. Description of diverting works:

CONCRETE DIVERSIONS(4'X 5')/OPEN DITCHES/ FLOOD IRR/LOCATION ??

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	10	
STOCKWATER	1/01	12/31	0.23	
GROUND WATER RECHARGE			11/01	4/01 5

7. Total Quantity Appropriated is:
10 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
14N	22E	16	SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	27
			SW	SW	IRRIGATION	2
			NW	SW	STOCKWATER	
					Section Acres	69
14N	22E	17	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	37
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	26
			NW	SW	IRRIGATION	3
			SE	SW	IRRIGATION	1
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	16
			SE	SE	IRRIGATION	18
			SW	NW	STOCKWATER	
			NW	SW	STOCKWATER	
			NE	SW	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
					Section Acres	461
14N	22E	18	SE	NE	IRRIGATION	17
			NE	NE	IRRIGATION	40
			SW	NE	STOCKWATER	
					Section Acres	57
					Total Acres	587

11. Place of use in counties: LEMHI, CUSTER

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

13. Other Water Rights Used:

14. Remarks:

P/D INCOMPLETE AMOUNT DECREED = 0.02CFS/IRRIGATED ACRES *** WATER FROM THIS SPRING IS WARM WATER AND IS USED FOR STOCKWATER YEAR ROUND. WATER FROM RIGHTS SHOWN UNDER #13 ARE USED ONLY ON THE CUSTER COUNTY SIDE OF RIVER
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: Decreed

8637

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

A73-00042

Date Received

1/5/90

Receipt Number

E011506

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN - 5 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) The Aetna Casualty & Surety Company Phone () _____Mailing Address ATTN: Ed Buckley, City Place, Hartford CT Zip 061562. Date of Priority (Only one (1) per claim) 2/20/18863. Source of water supply (a) Big Spring or O'Neil Creek
which is tributary to (b) Pahsimeroi4. a. Location of existing point of diversion is: Township 14N Range 22E Section 16,
NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., 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. Concrete diversion structure with
dimensions of four (4) feet by five (5) feet diverts water into open
ditch, and thence to place of use via flood irrigation. The exact
location of the diversion point cannot be determined without a land
survey as it falls on the section line.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 10 or _____

For Stockwater purposes from 1-1 to 12-31 amount .23 or _____

For Groundwater Recharge purposes from 11-1 to 4-1 amount 5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1468 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater - 1,000 adult cattle year around.

10. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	22E	16							40			27	2						69
14N	22E	17	40	40	40	40	40	40	37	40	26	3		1	40	40	16	18	461
14N	22E	18	40			17													57
14N	22E	16										S							
14N	22E	17							S		S	S					S	S	
14N	22E	18			S														

Total number of acres irrigated 587

11. In which county (ies) are lands listed above as place of use located? Custer & Lemhi

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
73-00157; 73-02155; 73-02102; 73-00158 or None ()

14. Remarks: Water from this spring is warm water and is used for stockwater
year around. Water from rights shown under Item #13 are used
only on the Custer County side of the river.

Last Name Aetna Ident No. _____

Copies: White -State, Yellow-Claimant

R22 E

WOMER
LEAS

Palmer River



16

17

Le-na-2 447 13-0042

Scale 1" = 1 mile

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines extend to the edges of the square. The grid is composed of 16 rows and 16 columns of these squares.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 73-0042

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 One (1)

For Individuals: I do solemnly swear or affirm 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 that I am Edward Buckley, Vice President

Title

of Aetna Realty Investors, Inc. , that I have signed the foregoing

Organization

document in the space below as Attorney-in-Fact of The Aetna Casualty & Surety Co.

Title

Organization

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

Signature of Authorized Agent

Edward Buckley

Title and Organization Attorney-in-Fact, The Aetna Casualty & Surety Company Date 12/18/89

State of Idaho/or Connecticut)

County of Hartford) SS.

Subscribed and sworn (or affirmed) before me this 18th day of December 19 89

SEAL

Notary Public

Marianna Petrocelli

Residing at

New Haven County

My Commission Expires

March 31, 1997

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Aetna Ident. Number _____

Copies White-State, Yellow-Claimant

ADDENDUM "A"

Re: Water Rights Nos. 73-00042; 73-00157; 73-00158; 73-2102;
73-2153.

The foregoing water rights embrace places of use that at least partially coincide. The aggregate flow rate from all such water rights exceeds a one (1) miner's inch of water per acre measurement for these overlapping acres. However, this aggregate flow rate nonetheless answers to the reasonable requirements of irrigating this place of use in light of the peculiar circumstances reflected by the priority of these water rights, and the topographic and geologic features of the place of use.

Water Right No. 73-00042 provides a source of supply for 587 acres of flood irrigated and subirrigated land. Approximately 306 acres of this place of use are located on the north side of the river, and about 281 acres are located on the south side of the river. All other of the above-described water rights embrace this 281 acres on the south side of the river as their place of use.

Notwithstanding the nominally high diversion rate for this acreage on the south side of the river, it is nonetheless required for the effective irrigation of this acreage. All these lands have a very irregular topography and the application efficiency can only amount to approximately 20 percent.

Moreover, some of the rights are relatively junior, so it is unlikely they will be in priority during those periods of peak moisture demand in late summer months. Hence, a premium is placed on relatively high diversion rates so the soil profile can be wetted to field capacity at the cessation of spring runoff.

Finally, the diversion point for some of these rights is a relatively long distance from the place of use, and therefore there are relatively high amounts of seepage losses in transporting the water to the place of use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 11, 2000

SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253

RE: CHANGE IN OWNERSHIP FOR A73-00002B, A73-00007A,
A73-00007B, A73-00008B, A73-00042, A73-00113, A73-
00140, A73-00157, A73-00158, A73-00165, A73-00168, A73-
00173, A73-00178, A73-00179, A73-00187A, A73-00188A,
A73-02038, A73-02091, A73-02098, A73-02102, A73-02114,
A73-02115, A73-02122, A73-02137, A73-02141, A73-02142,
A73-02153, A73-02155, A73-02164, A73-07000, A73-07022,
A73-07038, A73-10047.

Dear Claimant:

The request for Change in Ownership concerning the
Notice(s) of Claim in the above reference has been
processed and the Notice(s) modified to reflect you as
the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your
name shown as the current owner. Review the forms and
if there are other corrections or questions, feel free
to contact this office.

Water right numbers A73-100046, A73-10048, A73-10050,
A73-10051, A73-10052, A73-10053 are being processed by
our state office.

If there are no questions or corrections, please keep
these Notices for your records.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

DELOG es 5/10/00
JC 6/5/00
RECEIVED OK

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

MAY 11 2000

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): A73-02098 et al (see attached list)
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant AGENTA LIFE
4. New Owner/Claimant(s) SULPHUR CREEK LIVESTOCK
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P.O. Box 151
 City, State and ZIP Code MAY, ID 83253
 New Telephone Number (208) 876-4405
5. Date you acquired the property _____
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) or Claimant(s) John Whitworth, partner, MANAGER
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

A73-00002B ✓

A73-00007A ✓

A73-00007B ✓

A73-00008B ✓

A73-00042 ✓

A73-00113 ✓

A73-00140 ✓

A73-00157 ✓

A73-00158 ✓

A73-00165 ✓

A73-00168 ✓

A73-00173 ✓

A73-00178 ✓

A73-00179 ✓

A73-00187A ✓

A73-00188A ✓

A73-02038 ✓

A73-02091 ✓

A73-02098 ✓

A73-02102 ✓

A73-02114 ✓

A73-02115 ✓

A73-02122 ✓

A73-02137 ✓

A73-02141 ✓

A73-02142 ✓

A73-02153 ✓

A73-02155 ✓

A73-02111 ✓

A73-07000 ✓

A73-07022 ✓

A73-07038 ✓

A73-10047 ✓

Partial Decrees

Processed by

Allocation at

State Office

73-10046

73-10048

73-10050

73-10051

73-10052

73-10053