

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: A73-00158
Date Received: 1/ 5/1990
Receipt No: E011506
Received By: DC

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: MAY 1, 1888

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	23E	12	SW	NW	SW		CUSTER
		13		NE	NW		CUSTER

5. Description of diverting works:
DIVERTED AT HEADGATE THROUGH DITCHES/ FLOOD IRR (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.000		

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

8. Total consumptive use is 703.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	22E	17	SW	NE		IRR	7.0
			NE	NW		IRR	8.0
			NW	NW		IRR	35.0



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	22E	17	SW	NW		IRR	36.0
			SE	NW		IRR	40.0
			NE	SW		IRR	23.0
			NW	SW		IRR	2.0
			NE	SE		IRR	12.0
			NW	SE		IRR	35.0
			SW	SE		IRR	10.0
			SE	SE		IRR	17.0
			Section Acres				225.0
		18	NE	NE		IRR	40.0
			SE	NE		IRR	16.0
			Section Acres				56.0
			Total Acres				281.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
73-0157, 2155, 2102, 00042

14. Remarks:
P/D LOCATION DESCRIBED AS UPPER DITCH
P/U IRRIGATED ACREAGE NOT SPECIFIED IN DECREE
PERIOD OF USE NOT SPECIFIED IN DECREE
*****SEE ORDER BY 6TH DIST. CT. DATED 12-28-1910 AMENDING DECREE
Q - TO BE MEASURED AT A POINT AT THE PROPERTY BOUNDARY
DIVERTED ONLY WHEN THERE IS NOT SUFFICIENT WATER TO FILL (CONT)
73-0157. Q NOT TO EXCEED 14.4 CFS WHEN USED WITH 73-0157
***#5: WATER FROM THE FIRST DIVERSION POINT IS FED INTO GOLDBURG
CREEK, AND REDIVERTED FROM THE PAHSIMEROI RIVER IN SECTION 27,
T14N, R22E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

LORENZO FALLS
Decree Plaintiff

URIAH WELLS
vs Decree Defendant

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 73-158
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: 05/01/1888

3. Source: BIG CREEK Trib. to: Pahsimeroi River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	23E	12	SW NW SW	CUSTER
13N	23E	13	NE NW	CUSTER

5. Description of diverting works:

DIVERTED AT HEADGATE THROUGH DITCHES/ FLOOD IRR (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	5	

7. Total Quantity Appropriated is:
5 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	17	SW	NE	IRRIGATION	7
			NE	NW	IRRIGATION	8
			NW	NW	IRRIGATION	35
			SW	NW	IRRIGATION	36
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	23
			NW	SW	IRRIGATION	2
			NE	SE	IRRIGATION	12
			NW	SE	IRRIGATION	35
			SW	SE	IRRIGATION	10
SE	SE	IRRIGATION	17			
Section Acres						225
14N	22E	18	NE	NE	IRRIGATION	40
			SE	NE	IRRIGATION	16
Section Acres						56
Total Acres						281

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

P/D LOCATION DESCRIBED AS UPPER DITCH P/U IRRIGATED ACREAGE NOT SPECIFIED IN DECREE PERIOD OF USE NOT SPECIFIED IN DECREE *****SEE ORDER BY 6TH DIST. CT. DATED 12-28-1910 AMENDING DECREE Q - TO BE MEASURED AT A POINT AT THE PROPERTY BOUNDARY DIVERTED ONLY WHEN THERE IS NOT SUFFICIENT WATER TO FILL (CONT) 73-0157. Q NOT TO EXCEED 14.4 CFS WHEN USED WITH 73-0157 ***#5: WATER FROM THE FIRST DIVERSION POINT IS FED INTO GOLDBURG CREEK, AND REDIVERTED FROM THE PAHSIMEROI RIVER IN SECTION 27, T14N, R22E

CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: Decreed

850
(ACREAGE 244.00)
737 00042

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 A73-00158Date Received 1/5/90Receipt Number E 011506

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) May 1, 18883. Source of water supply (a) Big Creekwhich is tributary to (b) Pahsimeroi River4. a. Location of existing point of diversion is: Township 13N Range 23E Section 13,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of CusterAdditional points of diversion if any: SW NW SW Sec. 12, T13N, R23E.

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. Diverted at headgates through
ditches to place of use via flood irrigation. Water from the first
diversion point is fed into Goldburg Creek, and rediverted from the
Pahsimeroi River in Section 27, T14N, R22E.

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 5.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 703 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	17			7		8	35	36	40	23	2			12	35	10	17	225
14N	22E	18	40			16													56

Total number of acres irrigated 281

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

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.

73-02155; 73-00157; 73-02102; 73-00042. or None ()

14. Remarks:

By the terms of the Order Amending Decree of December 28, 1910,
the water provided for by this right shall be measured at the
property boundary and not the point of diversion.

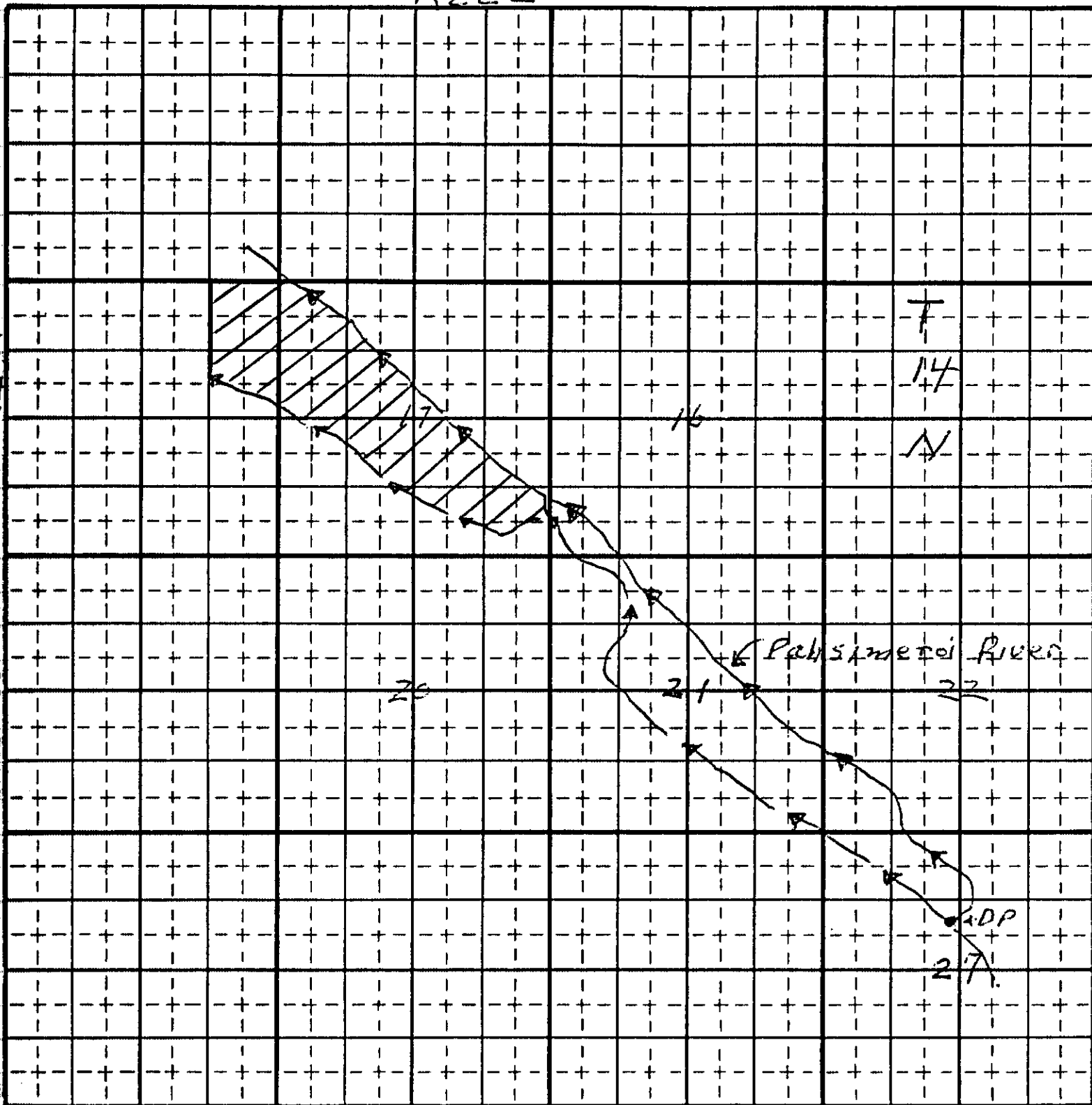
Last Name Aetna Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R22E



Note: See attached map for location of diversion points from Big Creek.

Last Name Aetna Ident No. _____

Copies: White-State, Yellow-Claimant

D.P. For —
0157 & 2185

 $R_{22}E \mid R_{23}E$

Map showing DP for
73-2128 73-0158

T
14
N

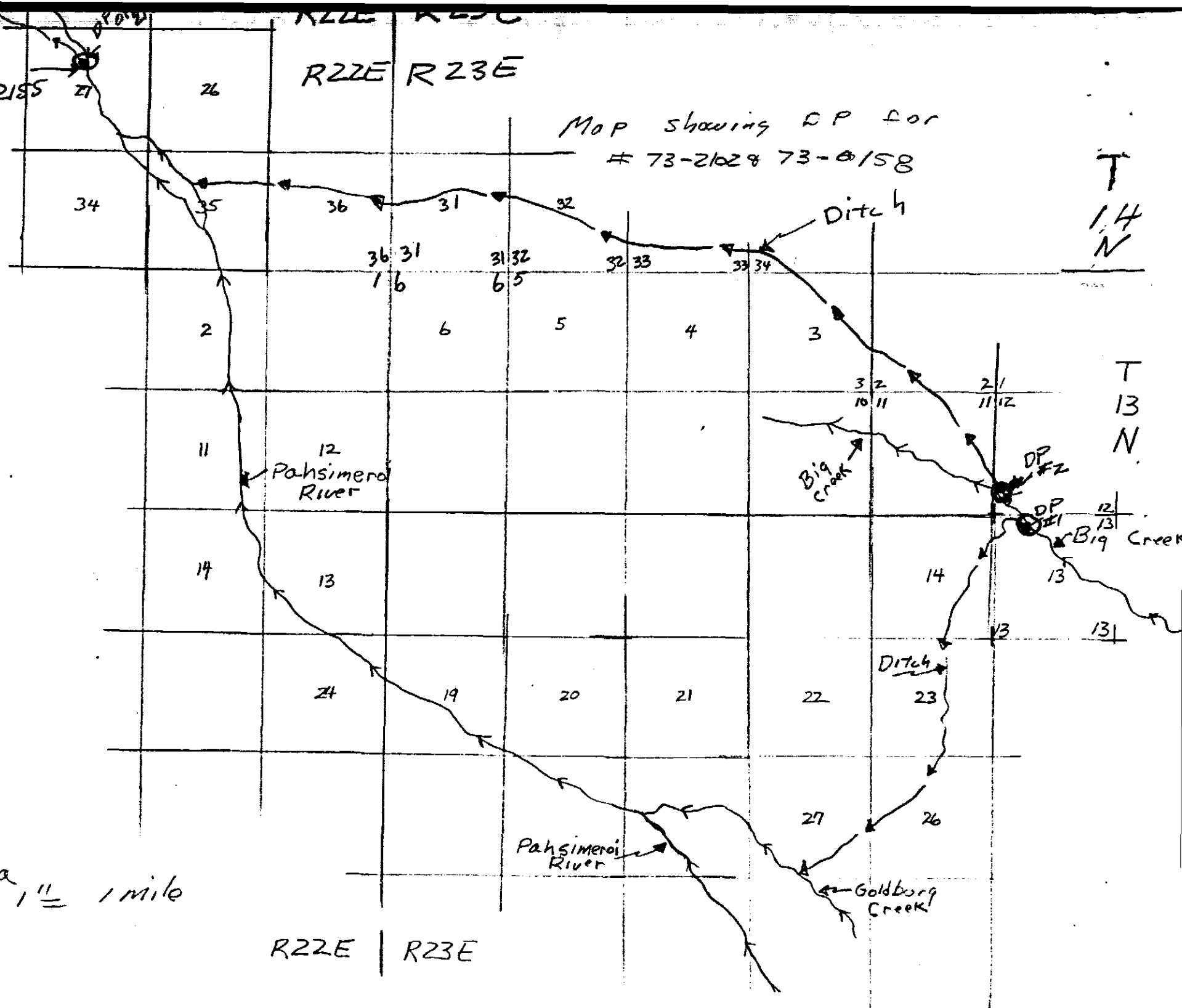
7
13

T
14
N

T
13
N

R22E	R23E
------	------

Aetna
Scale 1" = 1 mile



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

Decree X

If applicable provide IDWR Water Right Number 73-0158

Court Sixth Judicial District Case Number _____ Decree Date _____

Plaintiff vs Defendant L. Falls, et al. vs. Uriah Wells, et al.

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 Two (2)

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 L. Buckley

Title and Organization Attorney-in-Fact, The Aetna Casualty & Surety Company Date 12/15/89

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

Marianne Petrocelli

Residing at

New Haven County

My Commission Expires

March 31, 1994

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

Form 02-24042-1-009(6) March 26, 1999

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

MAY 11 2000

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

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