

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: A41-10020
Date Received: 2/13/1990
Receipt No: S011193
Received By: SCL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JENNIE OSBORN 208-548-2601
Address: P.O. BOX 173
AMERICAN FALLS, ID 83211

2. Date of Priority: MAY 24, 1890

3. Source: ROCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	29E	12	SE	SW	NW		POWER
			NW	NE	SW		POWER

5. Description of diverting works:
INSTREAM USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/400 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	29E	12	SW	NW		STOCK	
			NE	SW		STOCK	

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Date: 02/13/90

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11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:
SEE ALSO ATTACHED WARRANTY DEED DATED 1903.

15. Basis of Claim: BENEFICIAL USE

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): Jennie L Osborn Date: Feb-13-1990

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day

of February 19 90

Steve Call
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

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Notice

We the undersigned do this day locate claim and appropriate of the water of this Creek one half the amount that will flow through a Spuee thirty three inches wide and ten and one quarter inches high under a four inch pressure, said Creek is located in Cassia County Idaho Territory and is known as Fall Creek

Bk 37 Water
Claims page 49

E. B. Goss
E. B. Goss Jr.

Locators.
W. H. Philbrick
R. B. Greenwood

Dated May 24: 1890.

Filed for Record May 31st 1890

at 9 A.M. Duly Recorded same day in Book No. 3.
of Water Claims page 49.

W. L. Brown
County Recorder

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Warranty Deed

This Indenture, made the thirtieth day of October in the year 1907, of our Lord one thousand nine hundred and three, between H. H. Philbrick and R. B. Greenwood, partners under the firm name of Philbrick and Greenwood, ~~holders of certain placer mining claims near American Falls, Oneida County, State of Idaho, the parties of the first part and~~ Fall Creek Sheep Company Limited, a corporation, duly organized and existing under the laws of the State of Idaho, with its principal place of business at the same place, the party of the second part Witnesseth: That the said parties of the first part for and in consideration of the sum of Three hundred dollars, lawful money, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and for other good and valid considerations, do by these presents, grant, bargain, sell, convey and confirm unto the said party of the second part and to its assigns and successors forever, all those certain lots pieces and parcels of land lying being and situated in the county of Latah, State of Idaho, and more particularly described as follows:

That certain placer mining claim known as the "Golden Treasure Bar placer Mining claim", and described as the north East quarter of the North west quarter of the South west quarter, the West half of the South East quarter of the North west quarter, and lots three and four of Section fifteen, and lot one of Section sixteen in Township nine south of range 29 East, Boise Meridian situated in the Argyle mining District containing one hundred and fifty nine acres and twenty hundredths of an acre of land more or less, also:

That certain placer mining claim known as the "Sample" Placer mining claim, and described as the south west quarter of the South East quarter, the North East quarter of the South East quarter, the North half of the South East quarter of the South East quarter, the South west quarter of the South East quarter, of the South East quarter and lots two of Section sixteen, and the North west quarter of the North west quarter of the South west quarter of Section fifteen in Township nine south of Range twenty nine east, Boise Meridian situated in the Argyle mining District and containing one hundred and fifty seven acres and fifty hundredths of an acre, of land more or less. Also.

That certain placer mining claim known as the "High Placer Mining Claim" and described as lots three in section sixteen the north half of the North west quarter of the North east quarter the south west quarter of the North west quarter, of the North east quarter the North east quarter of the North west quarter and lot one in section twenty one in township nine south of Range twenty nine east, Boise meridian, situated in the Argyle mining district and

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hundredths of an acre of land more or less. Together with that certain right to the use of fourteen cubic feet per second of time of the waters of Fall Creek, in said Cassia County heretofore used in working said mining claims and irrigating the lands of said mining claims for agricultural purposes, and used upon said premises for watering live stock and for domestic purposes, and also all rights to the use of the waters of Rock Creek in Oneida County, Idaho, heretofore used upon said premises for the same purposes, and all flumes, ditches, conduits, dams and head gates used in the conveyance of said water to and upon said lands above described.

Together with all and singular the above mentioned rights, tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof;

To have and to hold all and singular the above mentioned, and described, premises together with the appurtenances unto the said party of the second part, and to its assigns, and successors forever.

And said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said party of the second part, its assigns and successors, against the said parties of the first part, and their heirs, and against all and every person and persons, whomsoever, lawfully claiming or to claim the same shall, and will warrant and by these presents forever defend. In Witness Whereof the said parties of the first part, have hereunto set their hands and seals, the day and year first above written,

W. H. Philbrick.

R. B. Greenwood.

LS.

LS.

State of Idaho.

County of Bannock } ss. On this 30th day of October in the year 1903, before me, Thomas F. Terrell, a notary public in and for Bannock County, State of Idaho, personally appeared, W. H. Philbrick, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at Pocatello said county and state the day and year in this certificate first above written.



Thomas F. Terrell.

Notary Public.

State of Rhode Island } ss.

County of Providence } On this 3 day of November in the year 1903, before me, Herbert A. Rice, a Notary Public in and for Providence County, State of Rhode Island, personally appeared W. H. Philbrick, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

LS.

LS.

A41-10020



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

KECHLADE ANDRANS

Governor PHILIP E. BATT

R. KEITH HIGGINSON

Director

February 10, 1995

Dear Wateruser:

In response to the Bench Ditch Irrigation Company's letter to IDWR dated January 25, 1995, this letter is being sent to all waterusers of record in the Basin 41 Water District.

As you may know, the arbitration for delivery of water that has operated in the Rockland valley for over 100 years has been very effective in allowing the delivery of water rights by the local watermaster. The box method described in the arbitration has worked to divide the waters fairly, but recent studies of the boxes have determined the actual flow rates that have been delivered for years are different than the rates listed in the arbitration. This is largely due to the fact that the box method, as applied in the valley, is not a standard measuring device.

It is IDWR's position that:

Rights recommended in the ongoing Snake River Basin Adjudication, will be based on the historical beneficial use and historical diversion rate represented by use of the box method.

Conversion to an approved, standard measuring device is encouraged but should not result in a increase in the amount of water diverted. IDWR requests, before any old diversion structure is removed or destroyed, to view and measure the historical diversion rate as delivered by the box described in the arbitration.

Any change in measuring devices or structures that results in an increase of diversion rates above the historical beneficial use will result in injury to junior right holders within the Rock Creek system.

We look forward to working with all waterusers in the district. SRBA examinations will resume in the spring of 1995 and IDWR will measure and evaluate all of the structures diverting from Rock Creek and the East Fork of Rock Creek. If you have questions please contact me at my office in Twin Falls.

Sincerely,

STEVE CLELLAND
Water Resource Agent

41-10020
partial decs
7-24-98

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Osborn

X

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-24-1997
PAGE: A-11

RIGHT NUMBER: 41-10020

NAME & ADDRESS: JENNIE OSBORN
PO BOX 173
AMERICAN FALLS ID 83211

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/24/1890

POINT OF DIVERSION: T09S R29E S12 NWESW (INSTREAM BEGINNING POINT) Within POWER County
SESWNW (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within POWER County
T09S R29E S12 SWNW NESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
S/400 RANGE

Decreed: 7/24/98

AJ5809NP
No. R41-10020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/22/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JENNIE OSBORN PO BOX 173 AMERICAN FALLS ID 83211 (208) 548-2601	05/24/1890	STOCKWATER	01-01 12-31	~~0.09~~ .02 CFS	
TOTAL DIVERSION:					~~0.09~~ .02 CFS	

Water Source: ROCK CREEK

Tributary to: SNAKE RIVER
SESNNW (E) NWNESW (B)

Point(s) of Diversion: instream T09S R29E S12

Stage: BENEFICIAL USE

Place of use Legal Description for: STOCKWATER
NE

NE				NW				SW				SE			
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09S	29E	12	:												
			:												

POU County: POWER

Non-Irrigation Uses: (S/400 RANGE) Exp

Other Rights: NONE

Remarks: GEN (SEE ALSO ATTACHED WARRANTY DEED DATED 1903.) comm

Dates: Exam Made Date: 6/27/94 Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

N11
N13

See
9/22/97

DATA ENTERED BY SW
DATE 9-23-97

Claim file w/see

BWI #12

AJ5809NP
No. 41-10020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/06/98
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JENNIE OSBORN PO BOX 173 AMERICAN FALLS ID 83211 (208) 548-2601	05/24/1890	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: ROCK CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T09S R29E S12
Point(s) of Ending Stream Reach: T09S R29E S12

NWNESE
SESNNW

POWER County
POWER County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
09S	29E	12	:																	:
			:																	:

POU County: POWER

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP S/400 RANGE

Dates: Exam Made Date: 06/27/1994

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: