IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-111

NAME AND ADDRESS: CARL F ZITLAU
392 N 4500 E
RIGBY ID 83442

SOURCE: SPRINGS TRIBUTARY: GRANITE CREEK

QUANTITY: 6.000 CFS

PRIORITY DATE: 05/31/1895

POINT OF DIVERSION:

T02N R42E S22 SENWSE Within BONNEVILLE County
T02N R42E S26 SENWNE Within BONNEVILLE County
T02N R42E S26 NENENW Within BONNEVILLE County
T02N R42E S27 SENENE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/15 10/31	50.00 AFY
IRRIGATION STORAGE	01/01 12/31	50.00 AFY
IRRIGATION	04/15 10/31	6.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R42E S21	SWSE	9.6	T02N R42E S21	SESE	18.0
T02N R42E S22	SWNE	0.7	T02N R42E S22	SENE	15.0
T02N R42E S22	SWSW	10.0	T02N R42E S22	SESW	23.0
T02N R42E S22	NESE	38.0	T02N R42E S22	NWSE	13.0
T02N R42E S22	SWSE	29.0	T02N R42E S22	SESE	26.0
T02N R42E S23	NWNW	4.4	T02N R42E S23	SWNW	38.0
T02N R42E S23	NESW	0.1	T02N R42E S23	NWSW	34.0
T02N R42E S23	SWSW	22.0	T02N R42E S26	NWNW	6.3
T02N R42E S27	NENE	36.0	T02N R42E S27	NWNE	6.4
T02N R42E S27	NENW	6.2	T02N R42E S27	NWNW	11.0
T02N R42E S28	NENE	17.0	T02N R42E S28	NWNE	35.0
T02N R42E S28	SWNE	0.6	T02N R42E S28	NENW	10.0
T02N R42E S28	SENW	1.7			

IRRIGATION FROM STORAGE same as IRRIGATION
STOCKWATER same as IRRIGATION

411 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

SPRINGS ARE SOURCE FOR GRANITE CREEK, TRIBUTARY TO SO. FK. SNAKE RIVER.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-111

NAME AND ADDRESS: CARL F ZITLAU
392 N 4500 E
RIGBY ID 83442

SOURCE: SPRINGS TRIBUTARY: GRANITE CREEK

QUANTITY: 6.000 CFS

PRIORITY DATE: 05/31/1895

POINT OF DIVERSION:

T02N R42E S22 SENWSE Within BONNEVILLE County
T02N R42E S26 SENWNE Within BONNEVILLE County
T02N R42E S26 NENENW Within BONNEVILLE County
T02N R42E S27 SENENE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/15 10/31	50.00 AFY
IRRIGATION STORAGE	01/01 12/31	50.00 AFY
IRRIGATION	04/15 10/31	6.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R42E S21	SWSE	9.6	T02N R42E S21	SESE	18.0
T02N R42E S22	SENE	14.0	T02N R42E S22	SWSW	9.4
T02N R42E S22	SESW	23.0	T02N R42E S22	NESE	38.0
T02N R42E S22	NWSE	9.2	T02N R42E S22	SWSE	26.0
T02N R42E S22	SESE	26.0	T02N R42E S23	NWNW	4.4
T02N R42E S23	SWNW	38.0	T02N R42E S23	NWSW	1.5
T02N R42E S23	SWSW	21.0	T02N R42E S26	NWNW	6.4
T02N R42E S27	NENE	36.0	T02N R42E S27	NWNE	3.1
T02N R42E S27	NENW	5.2	T02N R42E S27	NWNW	3.6
T02N R42E S28	NENE	17.0	T02N R42E S28	NWNE	35.0
T02N R42E S28	SWNE	0.6	T02N R42E S28	NENW	10.0
T02N R42E S28	SENW	1.7			

IRRIGATION FROM STORAGE same as IRRIGATION
STOCKWATER same as IRRIGATION

387.1 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL:

SPRINGS ARE SOURCE FOR GRANITE CREEK, TRIBUTARY TO SO. FK. SNAKE RIVER.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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: **A23-00111**
Date Received: 9/27/1989
Receipt No: E010842
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARL F. ZITLAU 208-538-7140
   Address: 392 NORTH 4500 EAST
   RIGBY ID 83442

2. Date of Priority: MAY 31, 1895

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	42E	22		NE	SW		BONNEVILLE
		23		NW	SW		BONNEVILLE
		27		NW	NE		BONNEVILLE
		28		NW	NE		BONNEVILLE

5. Description of diverting works:
   DIVERSION DAM PIPELINE TO GRAVITY SYSTEM & PUMPS, & DITCHES FLOOD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		
STOCKWATER	01/01	12/31	0.140		
IRRIGATION FROM STORAGE	04/01	11/01			50.00
IRRIGATION STORAGE	01/01	12/31			50.00
FISH PROP. STORAGE	01/01	12/31			50.00
FISH PROP. FROM STORAGE	01/01	12/31			50.00
FISH PROPAGATION	01/01	12/31	1.000		

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

8. Total consumptive use is 1500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/600 RANGE CATTLE, H/FISH PROPAGATION

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
02N	42E	22	NE	SW		IRR	40.0
			NE	SW		STOCK	
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	280.0
		23	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	120.0
		26	NW	NW		IRR	40.0
						Section Acres	40.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	160.0
						Total Acres	600.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
ALMOST ALL OF GRANITE CREEK WATER RISES UP ON OUR RANCH. THERE ARE ABOUT 100 OR MORE SPRINGS ON THE RANCH PROVIDING WATER. ALL OF THE STREAM FLOW IS USED DURING THE IRRIGATION SEASON. THIS IS RARELY ADEQUET TO IRRIGATE OUR CROPLAND. THE 6.0 CFS IS SELDOM AVAILABLE DURING THE IRR. SEASON. WE IRRIGATE AS MUCH LAND AS POSSIBLE WITH THE AVAILABLE WATER. IN AN AVERAGE YEAR THE FLOW WILL BE 50-100 INCHES BY JULY, & BY AUGUST NO FLOW LEAVES OUR FARM (EVEN IF WE ARE NOT IRRIGATING.)
STOCK WATER DIRECTLY FROM THE STREAM, AND STOCK TROUGH.

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14. Remarks: Continued
GRANITE RESERVOIR IS LOCATED WITHIN THE SWSE SEC 22 & NWNE SEC 27 T02N,R42E.
THE IRRIGATION SYSTEM IS MAINLY BY GRAVITY SPRINKLER FROM THE CREEKS AND RESERVOIR, BUT ALSO THRU PUMPS FROM THE CREEK AND RESERVOIR. SOME IRRIGATION IS DONE BY FLOOD IRRIGATION.
P/D FOR STORAGE & FISH PROPAGATION IS WITHIN: NENWNE SEC 27,T02N, R42E.

15. Basis of Claim: DECREED

Water Right Number: 230111

Case Number: 23164

Court : 7TH

Decree date: 5/ 8/1979

CARL F. ZITLAU, ET AL — Decree Plaintiff

vs

JESS CROFT AND SON, INC. — 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: _____

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NOV 07 1996

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
Renumbered A23-00111
Ident. Number: **A23-10247**
Date Received: 9/27/1989
Receipt No: E010842
Received By: Kar

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2300111

1. Name: CARL F. ZITLAU 208-538-7140
   Address: 392 NORTH 4500 EAST
   RIGBY, ID 83442

2. Date of Priority: MAY 31, 1895

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
02N	42E	22	NE SW		BONNEVILLE
		23	NW SW		BONNEVILLE
		27	NW NE		BONNEVILLE
		28	NW NE		BONNEVILLE

5. Description of diverting works:
   DIVERSION DAM PIPELINE TO GRAVITY SYSTEM & PUMPS, & DITCHES FLOOD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		
STOCKWATER	01/01	12/31	0.140		
IRRIGATION FROM STORAGE	04/01	11/01			50.00
IRRIGATION STORAGE	01/01	12/31			50.00
FISH PROP. STORAGE	01/01	12/31			50.00
FISH PROP. FROM STORAGE	01/01	12/31			50.00
FISH PROPAGATION	01/01	12/31	1.000		

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

8. Total consumptive use is 1500.0 Acre Feet Per Annum

9. Non-irrigation uses:
   S/600 RANGE CATTLE, H/FISH PROPAGATION

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
02N	42E	22	NE	SW		IRR	40.0
			NE	SW		STOCK	
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	280.0
		23	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	120.0
		26	NW	NW		IRR	40.0
						Section Acres	40.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	160.0
						Total Acres	600.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
ALMOST ALL OF GRANITE CREEK WATER RISES UP ON OUR RANCH. THERE ARE ABOUT 100 OR MORE SPRINGS ON THE RANCH PROVIDING WATER. ALL OF THE STREAM FLOW IS USED DURING THE IRRIGATION SEASON. THIS IS RARELY ADEQUET TO IRRIGATE OUR CROPLAND. THE 6.0 CFS IS SELDOM AVAILABLE DURING THE IRR. SEASON. WE IRRIGATE AS MUCH LAND AS POSSIBLE WITH THE AVAILABLE WATER. IN AN AVERAGE YEAR THE FLOW WILL BE 50-100 INCHES BY JULY, & BY AUGUST NO FLOW LEAVES OUR

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14. Remarks: Continued
FARM (EVEN IF WE ARE NOT IRRIGATING.)
STOCK WATER DIRECTLY FROM THE STREAM, AND STOCK TROUGH.
GRANITE RESERVOIR IS LOCATED WITHIN THE SWSE SEC 22 & NWNE SEC 27 T02N,R42E.
THE IRRIGATION SYSTEM IS MAINLY BY GRAVITY SPRINKLER FROM THE CREEKS AND RESERVOIR, BUT ALSO THRU PUMPS FROM THE CREEK AND RESERVOIR. SOME IRRIGATION IS DONE BY FLOOD IRRIGATION.
P/D FOR STORAGE & FISH PROPAGATION IS WITHIN: NENWNE SEC 27,T02N, R42E.

15. Basis of Claim: DECREED
Case Number: 23164
Court : 7TH
Decree date: 5/08/1979

CARL F. ZITLAU, ET AL
Decree Plaintiff

vs

JESS CROFT AND SON, INC.
Decree Defendant

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NOV 0 1992

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): Carl Bethlen Date: 9-27-89

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

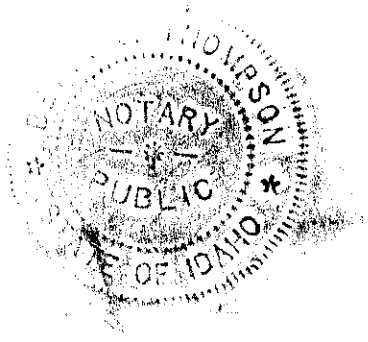
Subscribed and sworn (or affirmed) before me this 27 day of Sept 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC ~~RESIDING AT IDAHO FALLS, IDAHO~~

My Commission Expires MY COMMISSION EXPIRES: 6-30-94



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12/10/2003

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APR 30 2004

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-111

CARL F ZITLAU
392 N 4500 E
RIGBY ID 83442
Telephone Number: (208)538-7140

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
place of use.

2. Describe the changes you wish to make in the proposed recommendation:
ON MAP - RE-ADJUST BOUNDARIES, Add other areas

3. Give a brief explanation as to why you disagree with these portions:
SHOWS ON FSA MAP - WE HAVE BEEN IRRIGATING THE ADDED AREAS.

____ **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: Apr. 30, 2004 **SIGNATURE:** Carl Zitlau

Please print your name: CARL ZITLAU

IDWR Regional Office,

5/03/04 From Previous Discussion w/ Mr. Zitlau
This Requested change has been Done.

IDWR Field Exam Form 04/03/2002

Contacts Data Entry Form

23-111

Owner Type	Full Name	Address	City	State	Zip	Phone

Current Owner CARL ZITLAU

Name connector: and ____, or ____, and/or ____

Current Owner ____

Current Owner ____

Representing Attorney: ____ Phone Number: ____

Accompanied By: ____ Phone Number: ____

Relationship to Claimant: ____

Date of Field Exam: ____ Time: 4:00 pm

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER ZITLAU, et al VS CROFT AND SON, 1979.
4/4/03 REQUESTED CC VIA Vicky Music (e-mail)

FE INDICATED: POU, POD's, Dam/Storage, System, Fish,

Reviewer: ____ Date: ____

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NOV 19 1982
Department of Water Resources
Eastern District Office

Ray W. Rigby
of RIGBY, THATCHER, ANDRUS,
BARTON & WALTERS, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208 356-3633

Attorneys for Plaintiffs

STATE OF IDAHO)
County of Bonneville) ss
I hereby certify that this instrument is a full, true, and correct copy of the original thereof, on file in my office.
Dated 11/18, 1982
RONALD LONGMORE
Clerk of the District Court and
Ex-Officio Recorder
By

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

CARL F. ZITLAU, et al,

Plaintiffs,

vs.

JESS CROFT AND SON, INC., et al,

Defendants.

JESS CROFT AND SON, INC.,

Cross-Plaintiff,

vs.

CARL F. ZITLAU, et al,

Cross-Defendants.

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Fiche #6

Case No. 23,164

QUIET TITLE DECREE

The above entitled action having come on regularly for trial on the 8th day of May, 1979, before this court sitting without a jury, with Ray W. Rigby of Rigby, Thatcher, Andrus, Barton & Walters, Chartered, Attorneys of Rexburg, Idaho, appearing as attorneys for plaintiffs and cross-defendants, and no one appearing as attorneys for the defendant, Jess Croft and Son, Inc., with its attorney Reed L. Moss, of Petersen, Moss & Olsen, Attorneys of Idaho Falls, Idaho, having submitted the matter by Stipulation, and none of the other defendants having appearing and their default having been duly entered; the court having heard and examined the evidence, both oral and documentary, introduced by the plaintiff and cross-defendant, and the court having considered the stipulation of the plaintiff and cross-defendant and the defendant and cross-plaintiff, Jess

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Croft and Son, Inc., and having made and filed herein Findings of Fact and Conclusions of Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

23-0111

1. Plaintiffs own and title is hereby quieted in them, and they are hereby confirmed the right to the use of six cubic feet per second of the waters of Granite Creek and its tributaries, tributary to the South Fork of the Snake River, originally claimed by James T. White, having a priority date of May 31, 1895, for purposes of irrigating their lands located in Bonneville County, Idaho, and described as follows:

SW¼SW¼, SE¼SW¼, NE¼SE¼, NW¼SE¼, SW¼SE¼, SE¼SE¼ of Section 22, Township 2 North, Range 42 East, Boise Meridian.

SW¼SW¼, SW¼NW¼, NW¼SW¼, of Section 23, Township 2 North, Range 42 East, Boise Meridian.

NW¼NW¼ of Section 26, Township 2 North, Range 42 East, Boise Meridian.

NE¼NE¼, NW¼NE¼, NE¼NW¼, NW¼NW¼, of Section 27, Township 2 North, Range 42 East, Boise Meridian.

2. Said right for irrigation purposes shall be superior to any and all rights of the defendant, Jess Croft and Son, Inc., especially any rights to the James T. White claim of 300 inches with May 31, 1895, priority and any rights in water license 5033, with a priority of August 5, 1909, for irrigation purposes otherwise relative to all of the lands of defendant, Jess Croft and Son, Inc., in the Granite Creek area, including but not limited to the following:

Township 2 North, Range 42 East, Boise Meridian:

80 Section 11: SE¼SW¼; SW¼SE¼

360 Section 14: NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NW¼; NE¼SW¼, NE¼SE¼, NW¼SE¼, SW¼SE¼ and NE¼SE¼ (and other portions of said section which combined with that described comprise all of said [illegible]14, except the NE¼ of the NE¼ thereof.)

80 Section 13: SW¼NE¼, NW¼SW¼

MAY 15 1996

280 NE¼SW¼, SE¼NW¼, SW¼NE¼ N½NE¼ all in Section 23, and NW¼NW¼ of Section 24, and SW¼SW¼ of Section 13, all in Township 2 North, Range 42 East, Boise Meridian.

3. Plaintiffs' points of diversion are located in the Northwest Quarter of the Northeast Quarter of Section 27, Township 2 North, Range 42 East, Boise Meridian, in Bonneville

County, Idaho, and additional points of diversion are located in the Northwest Quarter of the Northwest Quarter of Section 27, Township 2 North, Range 42 East, Boise Meridian, and include the right to storage of said waters in Granite Creek Reservoir which is located in the Northeast Quarter of the Northeast Quarter of Section 27, Township 2 North, Range 42 East, Boise Meridian, in Bonneville County, Idaho.

4. There is hereby awarded to, and title is quieted in, defendant Jess Croft and Son, Inc., the following water rights:

(a) Plaintiffs will release, during each year, so much of the waters of Granite Creek sufficient to reach the boundary between plaintiffs' land and said defendant's land to water the cattle of said defendant being pastured on the following described property located in Bonneville County, Idaho, to-wit:

23-0112

Township 2 North, Range 42 East, Boise Meridian:

Section 11: SE¼SW¼, SW¼SE¼

Section 14: NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NW¼, NE¼SW¼, NE¼SE¼, NW¼SE¼, SW¼SE¼ and NE¼SE¼ (and other protions of said section which combined with that described comprise all of said Section 14, except the NE¼ of the NE¼ thereof.)

Section 13: SW¼NE¼, NW¼SW¼

NE¼SW¼, SE¼NW¼, SW¼NE¼ N½NE¼ all in Section 23, and NW¼NW¼ of Section 24, and SW¼SW¼ of Section 13, all in Township 2 North, Range 42 East, Boise Meridian.

in an amount of up to 250 head of cows with suckling calves, bulls, steers and heifers; provided, however, that plaintiffs shall have the right to elect, at any time hereafter, to have installed a trough and float on defendant's land, and a water pipe line on plaintiffs' land to just cross the boundary onto defendant's land and provide by such means, in lieu of releasing it down the creek, sufficient water for [illegible] of the said defendant.

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If plaintiffs so elect:

(1) Defendant will supply all materials for the pipeline, float and trough, and plaintiffs will supply all the equip-

ment and labor to lay the pipeline and backfill said trench, and also assist in the installation of the pipeline and its appurtenances.

(2) Defendant shall have the responsibility of maintaining said pipeline, trough and float; and shall have the right to come upon plaintiffs' land to help install, and thereafter to maintain, repair or replace the pipeline, but will do so only after notifying a plaintiff so they will be aware of the purpose for, and place where, defendant will go upon plaintiffs' lands.

(b) The court does hereby further confirm and quiet in defendant, Jess Croft and Son, Inc., the right to the use, for irrigation and domestic purposes on defendant's above described lands, any excess up to 7.2 c.f.s. over the 6 c.f.s. decreed to plaintiffs, of the said waters of Granite Creek and its tributaries, tributary to the South Fork of the Snake River.

The rights hereby awarded to the defendant as to the watering of said cattle and the rights to the waters in excess of the six cubic feet per second confirmed and quieted in plaintiffs shall have a priority date of May 31, 1895, and shall be diverted at points in the North Half of Section 23, and the South Half of Section 14, in Township 2 North, Range 42 E.B.M.

(c) Defendant, Jess Croft and Son, Inc., shall have no right to use any existing channels, nor any right to install pipelines, ditches or other channels upon plaintiffs' property, but shall only divert any water it is entitled to from the channel of Granite Creek from a point or points upon defendant's own property.

(d) No defendant shall have any right in the reservoir known as the Granite Creek Reservoir located upon the plaintiffs' property.

5. Neither party will interfere with the rights of the other parties awarded herein, but each will cooperate in carrying out or permitting the water rights awarded herein, so that the maximum efficient use of the water may be realized.

Microfilmed
MAY 15 1996

6. Each party shall bear its own costs and attorneys' fees incurred in these proceedings.

DATED This 8th day of May, 1979.

District Judge

MICROFILMED
MAY 15 1996

IDWR Field Exam Form

04/03/2002

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/31/1895 Claimed Basis: DECREE

Recommended Priority Date: 5/31/1895 Recommended Basis DECREE

_____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

CLAIMED PRIORITY CONFIRMED BY WR DATA BASE AND BY ZITLAU VS CROFT DECREE, 5/08/1979.

Reviewer: _____ Date: _____

IDWR Field Exam Form

04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number:_____

Water Right Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

_____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

GPS Coordinates: _____ _____

GPS Coordinates: _____ _____

GPS Coordinates: _____ _____

GPS Coordinates: _____ _____

GPS Coordinates: _____ _____

GPS Coordinates: _____ _____

GPS Coordinates: _____ _____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

CLAIMS SOURCES IN SEC. 22, 23, 27 AND 28. WR DATA BASE INDICATES SEC 27 SOURCES @ NWNW, NWNE, NENE — C#3?

WHAT EXACTLY IS THE SOURCE? LOT OF DISCUSSION ABOUT SPRINGS BUT CLAIMS GRANITE CK AS IS REFERENCED BY WR DATA BASE - SEE Attached ec.

SPRINGS ARE SOURCES FOR GRANITE CREEK - SO RECOMMENDED PODs IN SEC. 22, 26(2) AND 27. C#2 C#3

Transfers Changing POD _____

Reviewer: _____ Date: _____



1 pump sight.

A 2300111

7½ H.P. pump motor SN# 174913 ELECTRIC.

Berkley Pump. 4" pump To 8" MAIN line

Tag # A.O.O 12444

This Pond IS MAIN WATER STORAGE & Fish PROPAGATION Also For STOCKWATER & IRRIGATION

Water Right 29-11698



A 2300111 Tag # A.O 012443 # 2 pump site.

7½ H.P. pump motor in shop for repairs
pump Carver Pump. Co SN# K8H3067
4" to 8" mainline Also Controles For mainline Oivisions



This pond is a Holding pond for pump site # 2

Water Right 2



A. 2300111 TAG # AO 012426 SITE # 3

This site has a spring + a holding pond headgate with 8" main line, Gravity flow to sprinkling system + pump. Site #1 + #2 below.



Big Pond: Fish storage. Stockwaton. Irrigation.



A 2300111

SITE # 4. Tag # A.O. 012437

This site has a spring holding pond a diversion gate & flows into a 10" main line gravity flow to sprinkling system or pump site #1 & # 2.

Fastened tag to fence to left of picture.



A 2300 111 TAG # AO 012447 SITE # 5

This pond has a spring a diversion gate into a 6" line which. Gravity flows to sprinkling system or #1 + #2 pump site

This entire system is connected. And the water from any POD can be diverted to any #. All P.O.U.

04/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-111

WATER RIGHT NUMBER: 23-111

Owner Type	Name and Address
Current Owner	CARL F ZITLAU 392 N 4500 E RIGBY, ID 83442 (208)538-7140

Priority Date: 05/31/1895
Basis: Decreed
Status: Active

Source	Tributary
GRANITE CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	/	/	6.000 CFS	
IRRIGATION STORAGE	/	/		

Total Diversion: 6.000 CFS

Location of Point(s) of Diversion

GRANITE CREEK BONNEVILLE County	NW1/4NE1/4	Sec. 27,	Twp 02N,	Rge 42E, B.M.
GRANITE CREEK BONNEVILLE County	NE1/4NE1/4	Sec. 27,	Twp 02N,	Rge 42E, B.M.
GRANITE CREEK BONNEVILLE County	NW1/4NW1/4	Sec. 27,	Twp 02N,	Rge 42E, B.M.

Place of Use

IRRIGATION Within BONNEVILLE County

T02N R42E S22	SWSW	T02N R42E S22	SESW
T02N R42E S22	NESE	T02N R42E S22	NWSE
T02N R42E S22	SWSE	T02N R42E S22	SESE
T02N R42E S23	SWNW	T02N R42E S23	NWSW
T02N R42E S23	SWSW	T02N R42E S26	NWNW
T02N R42E S27	NENE	T02N R42E S27	NWNE
T02N R42E S27	NENW	T02N R42E S27	NWNW

$14_{QQ} \times 40\,Ac = 560\,Ac$

Does not recognize

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-111

1. General STORAGE OF WATER IN GRANITE CREEK RESERVOIR IN NENE, S27, T2N, R42E.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 5/8/1979
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Jess Croft & Son, Inc
Decree Plaintiff: Carl F Zitlau, et al
Civil Case Number: 23164
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

IDWR Field Exam Form 04/03/2002

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

GIS USED TO DEFINE POU/AC AFTER FB.

SEE WR DATA BASE REPT FOR POU COMPARISON CPS?

BEST CASE AC = 140Qs x 40 ac/qq = 560 AC - CLAIMS 600 ac.

pond #1 PUMP ON LOWER POND 7½ H.P. SN# 174913 (Mark 3F 215TBDR. 704568) PUMP 4" TO 8" MAINLINE. BERKLEY BELT DRIVE PUMP. THIS POND IS ALSO USED FOR FISH PROPAGATION. AND MOST OF THE STORAGE. TAG # P0012444

pump #2 PUMP IS IN PUMP HOUSE 7½ HP. PUMP MOTOR - NOT THERE. PUMP: CARVER PUMPS SN# K8H 3067 4" TO 8" MAINLINE - TAG # 12443

Transfers Changing POU _____

CONTINUED ON NEXT PAGE

Reviewer: _____ Date: _____

IDWR Field Exam Form 04/03/2002

Contacts Data Entry Form

Water Right No. _____

Owner Type | Full Name | Address | City | State | Zip | Phone

Current Owner _____

Name connector: and ____, or ____, and/or ____

Current Owner _____

Current Owner CARL F ZITLAW

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: @ 26 Time: 4:00 pm

Directions to Property (if different from above) and/or update owner information:

#3 POD Gravity Flow Pond To pump #2. only About 100' From. Pump #2.

#4 POD. Gravity Flow Pond Has 8" line. And Flows To pond #3 or Direct into main line Controled By Valve. Tag # 12426

#5 POD. Gravity Flow pond Has 10" line. Flows To pond #3 or into main line Controled By Valves. Tag # 12437

#6 POD. Gravity Flow pond Has 8" line. Hooked into main line. Feeding Entire System. Tag # 12447

(Note) The Entire System. is Connected All Together

Reviewer: _____ Date: _____

IDWR Field Exam Form 04/03/2002

Period of Use and Quantity Data Entry Form

Claim Number: _____

__ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
SEE CLAIM				

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIG	4/15	10/31	6°	
IRRIG FROM STOR	1/1	12/31		50 AF
STOCK	1/1	12/31	0.14	

Overall Diversion Rate 6° Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SOIL TO DEPT STD. 4/15 TO 10/31

USES RECOMMENDED ARE FROM WR REPT (attached)

RISH W/ STORAGE/PROP NOT ALLOWED. ⇒ NEEDS ADDITIONAL CLAIM FOR THOSE.

Reviewer: _____ Date: _____

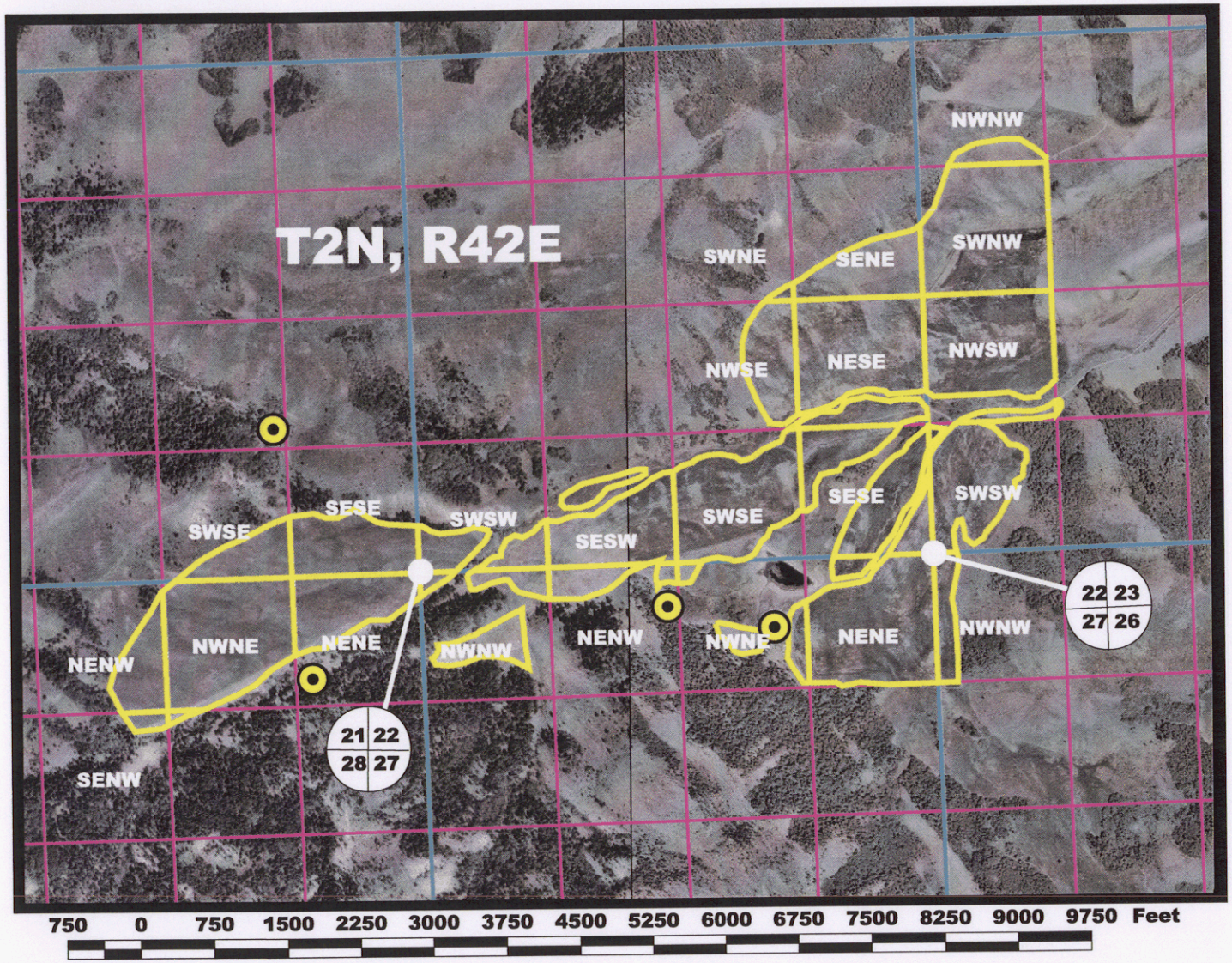
Log for claim 23-00111 **Spatial Dynamics BTD** **6/5/01**

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n42e	22	NESW	40	35	POD placement?
02n42e	22	SWSW	40	21	
02n42e	22	SESW	40	37	
02n42e	22	NESE	40	40	
02n42e	22	NWSE	40	30	
02n42e	22	SWSE	40	35	
02n42e	22	SESE	40	39	
02n42e	23	SWNW	40	38	
02n42e	23	NWSW	40	38	
02n42e	23	SWSW	40	27	
02n42e	26	NWNW	40	26	
02n42e	27	NENE	40	37	
02n42e	27	NWNE	40	18	
02n42e	27	NENW	40	14	
02n42e	27	NWNW	40	19	
Totals:			600	454	

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-111

Place of Use: (parts of)
T2N, R42E Sec. 21,
22, 23, 26, 27, and 28

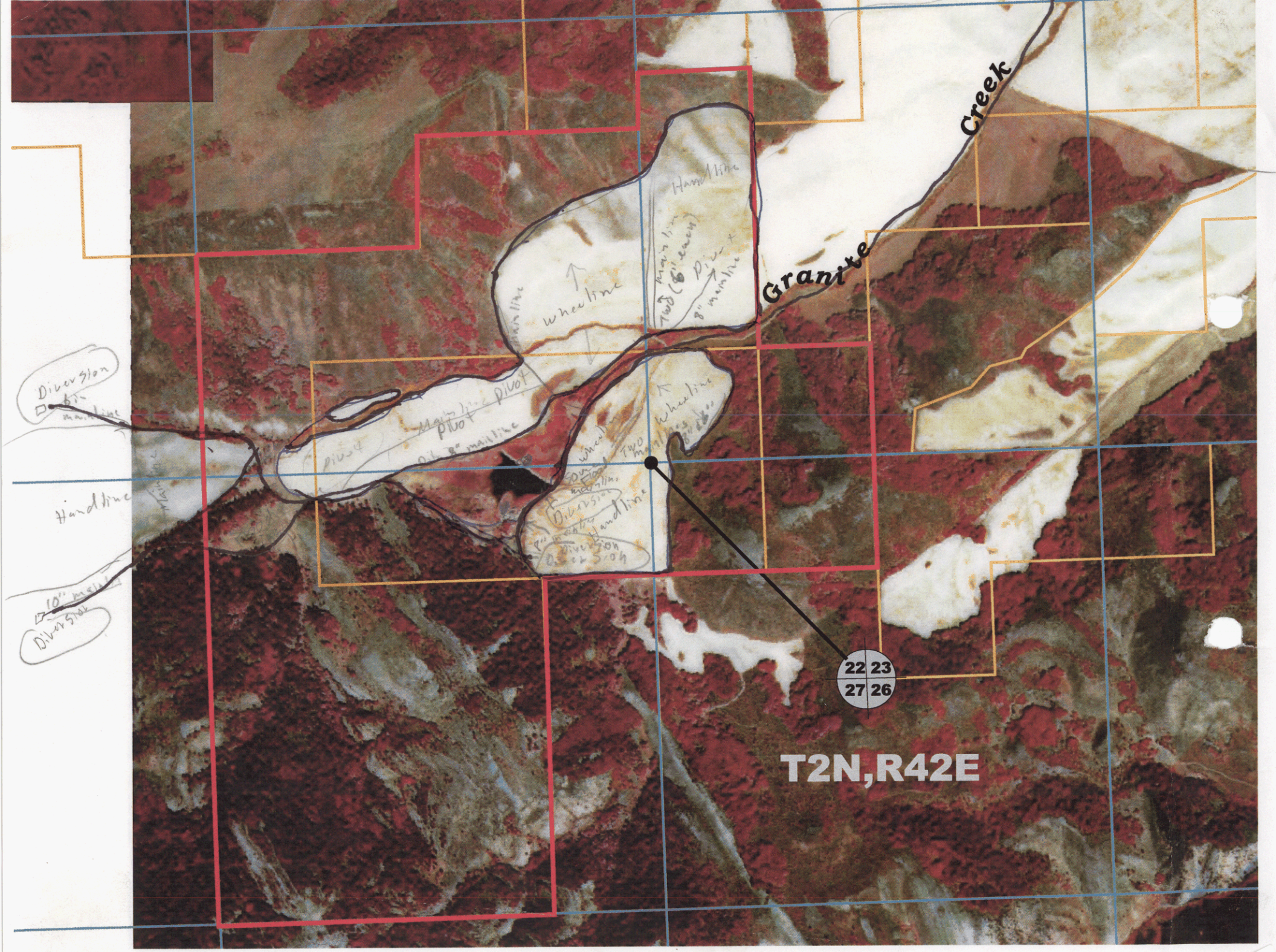
Point(s) of Diversion:
T2N, R42E Sec. 21 SENWSE,
Sec. 27 NENENW, SENWNE,
Sec. 28 SENENE

LEGEND

- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

N

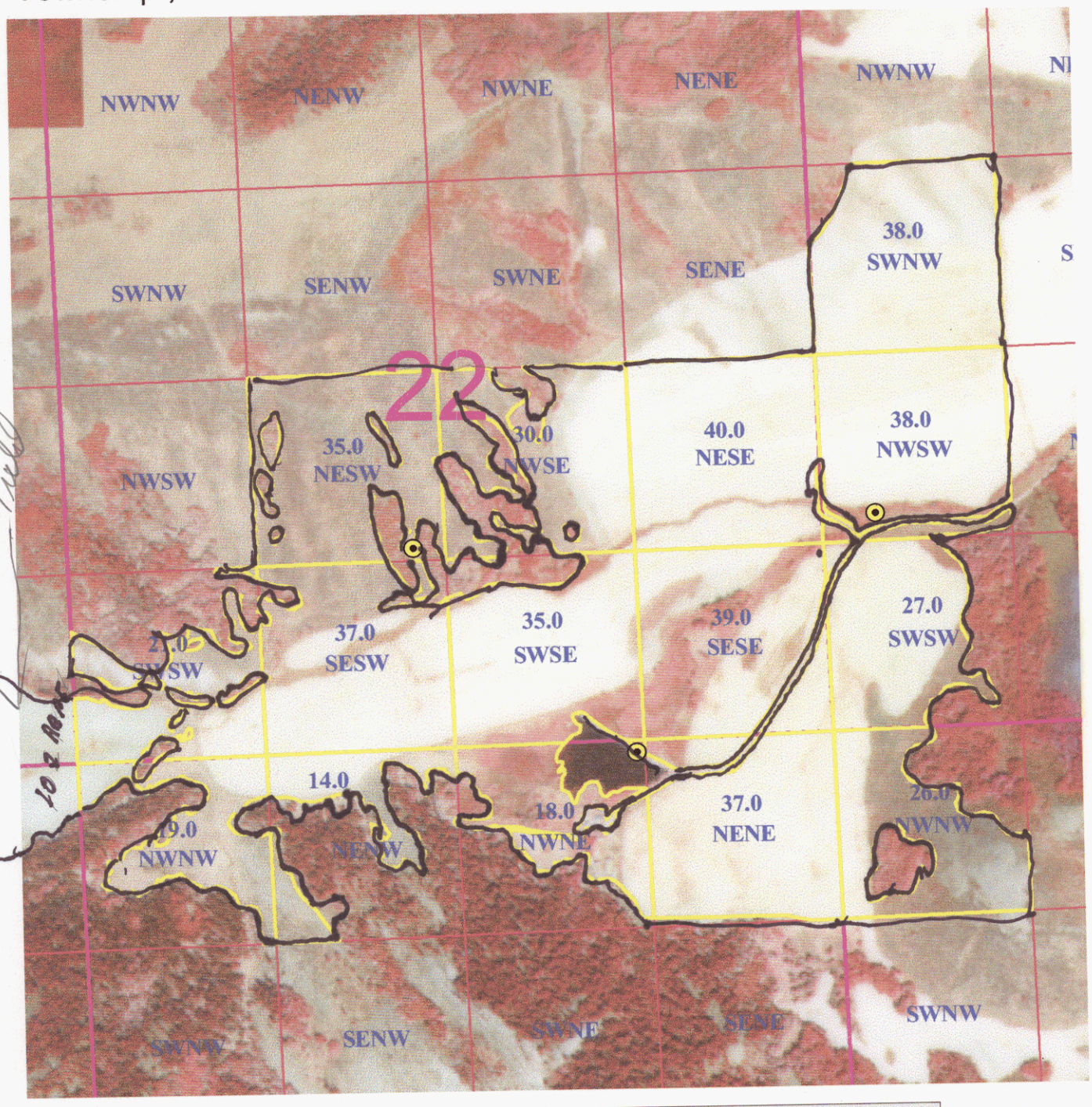
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: May 2004


Granite Creek
Handline
wheeline
Diversion
Handline
22 23
27 26
T2N,R42E

Water Right Claim Number 23-00111

06/05/2001

Township , 2N42E



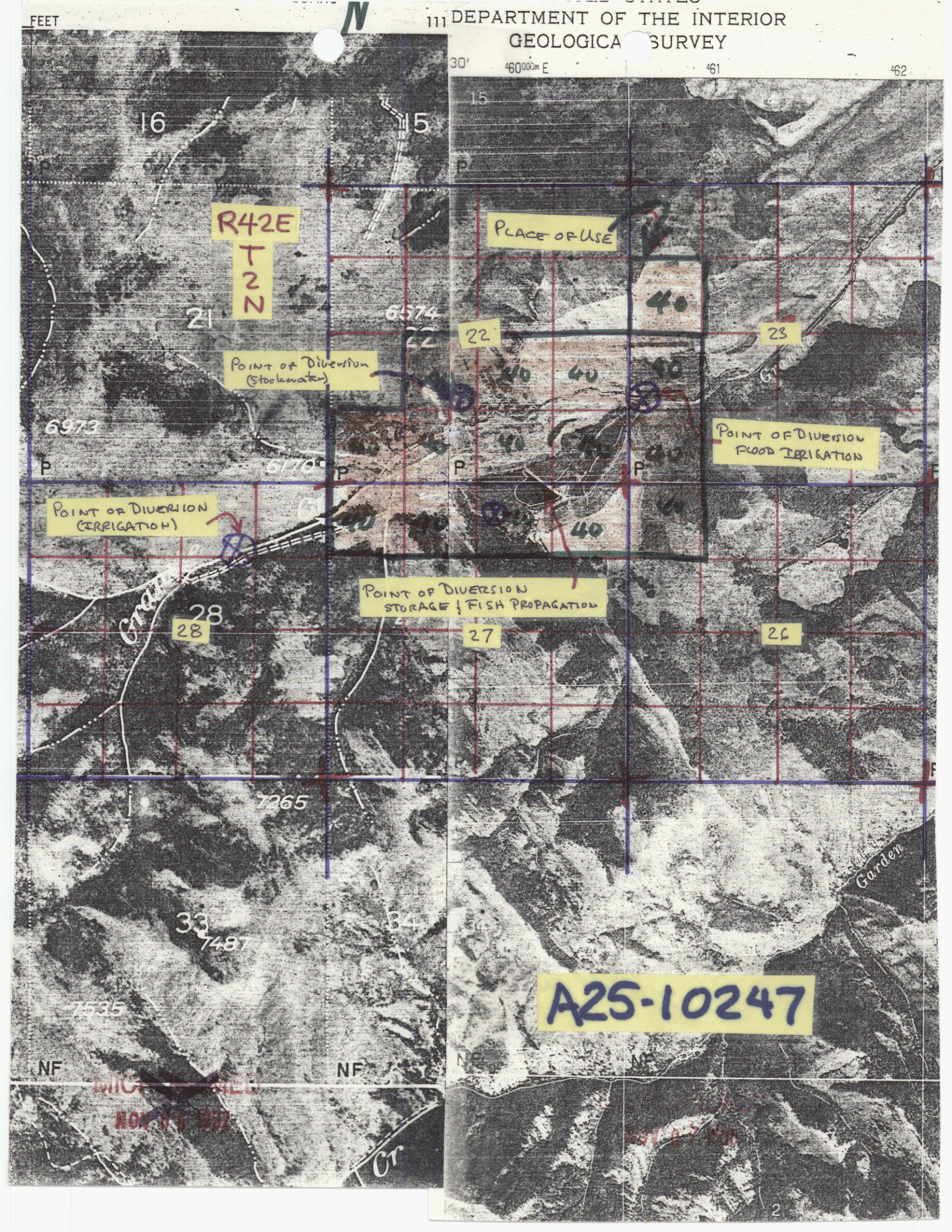
Legend

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

N

700 0 700 1400 Feet

SPATIAL DYNAMICS


FEET
N
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
30'
460000m E
461
462
16
15
R42E
T2N
21
22
23
PLACE OF USE
POINT OF DIVERSION (Stockwater)
POINT OF DIVERSION FLOOD IRRIGATION
POINT OF DIVERSION (IRRIGATION)
POINT OF DIVERSION STORAGE & FISH PROPAGATION
28
27
26
7265
33
7487
7535
Garden
A25-10247
NF
NF
Cr

NAPP 16019-316

R. 42 E

CRP ⑤ 35.6

172
T 258

④ 4.4 CRP

HEL

④ 103.1
98.7

HEL

HEL 3.2 ⑧

② 3.3 HEL

③ 82.4

⑥ W 17.0

① CRP 100.0

HEL

Mainline ditch

HEL

Mainline ditch

Mainline ditch

22	23
27	26

① 71.1

⑧ 18.6

1594
T 1940

⑧ 48.0 CRP

HEL

23	24
26	

④ 47.5 CRP

HEL