

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 45-151
Date Received: 3/14/1989
Receipt No: S006545
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

BARBARA AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

CARL AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

2. Date of Priority: 02/21/1925

3. Source: GOOSE CREEK , COLD CREEK Trib. to: SNAKE RIVER , GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	21E	25	NW SW SE	CASSIA	
15S	21E	25	NE NW SE	CASSIA	
15S	22E	31	NW NW SW	CASSIA	
15S	21E	25	SE SE NE	CASSIA	

5. Description of diverting works:

2 DAMS, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	7/20	4.3	
STOCKWATER	1/01	12/31	0.12	

7. Total Quantity Appropriated is:
4.3 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
15S	21E	25	NE	NE	IRRIGATION	5
			NW	NE	IRRIGATION	17
			SW	NE	IRRIGATION	27
			SE	NE	IRRIGATION	17
			SE	NW	IRRIGATION	6
			NE	SW	IRRIGATION	11
			SE	SW	IRRIGATION	6
			NE	SE	IRRIGATION	28
			NW	SE	IRRIGATION	26
			SW	SE	IRRIGATION	32
			SE	SE	IRRIGATION	33
			NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
					Section Acres	208
15S	21E	36	NE	NE	IRRIGATION	17
			NE	NE	STOCKWATER	
					Section Acres	17
					Total Acres	225

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

Claim amended to correct the PoU, resulting in an additional 10 acres.

SEE DECREE FOR LIMITATIONS ON DIVERSION.

PRIORITY DATE NOT GIVEN IN DECREE.

DECREE CONSISTS OF 215 INCHES OF GOOSE CR. & TRIBUTARIES.

2 DAMS & 1 PUMP ON EACH CREEK. SEE ATTACHED MAP.

~~5 ACRES IRRIGATED IN SECTION 30, SWNW, IS OWNED BY DLM.~~

OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD TO MR & MRS AUSTIN. 12/7/1992 RVW

15. Basis of Claim: Decreed

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: 0

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 A. Bush* Date: 11 Oct 2002

Date: _____

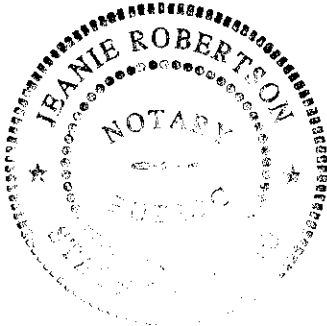
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th
of Oct. 2002

Jeanie Robertson
Notary Public

Residing at Twin Falls, ID

My commission Expires 9-23-06



Idaho Department of Water Resources Receipt

Receipt ID S025264

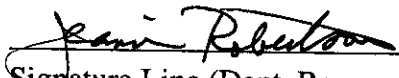
Payment Amount Date Received Region Status
Payment Type Check Number

COPY

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$10.00	ADJUDICATION FILING FEE	0337	44503	1155	


Signature Line (Dept. Representative)



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED
OCT 11 2002
Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s):

45-151, 45-7451, 45-7452 ^{closed (permit)}
45-71734, 45-10248, 45-12461 ^{P. Decreed}
45-12877

☒ Old Mailing Address:

P.O. Box 116, Oakley
Idaho 83346

☒ New Mailing Address:

P.O. 93, Oakley
Idaho 83346

☒ New Telephone Number:

(208) 436 - 1562

☐ Signature of Claimant(s):

[Handwritten Signature]

Date:

10 October 2002

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 10/11/02 By: *[Signature]*

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

APR 21 1994

Department of Water Resources
Southern Region OfficeIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: [REDACTED]
Date Received: 3/14/1989
Receipt No: S006545
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARL AUSTIN 208-436-5939
Address: PO BOX 116
OAKLEY ID 83346

2. Date of Priority: FEB 21, 1925

3. Source: GOOSE CREEK Trib. to: SNAKE RIVER
COLD CREEK GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	21E	25	SE	SE	NE		CASSIA
			NE	NW	SE		CASSIA
			NW	SW	SE		CASSIA
	22E	31	NW	NW	SW		CASSIA

5. Description of diverting works:
2 DAMS, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	07/20	4.300		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, UP TO 500 BEEF STOCKMICROFILMED
OCT 27 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	21E	25	NW		NE		IRR	21.0
			SW		NE		IRR	27.0
			SE		NE		IRR	10.0
			SE		NW		IRR	7.0
			NE		SW		IRR	10.0
			SE		SW		IRR	6.0
			NE		SE		IRR	27.0
			NW		SE		IRR	24.0
			SW		SE		IRR	29.0
			SE		SE		IRR	37.0
							Section Acres	198.0
		36	NE		NE		IRR	11.0
			NW		NE		IRR	1.0
							Section Acres	12.0
	22E	30	SW		NW		IRR	5.0
							Section Acres	5.0
							Total Acres	215.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-07173A, A45-10248

14. Remarks:

SEE DECREE FOR LIMITATIONS ON DIVERSION.

PRIORITY DATE NOT GIVEN IN DECREE.

DECREE CONSISTS OF 215 INCHES OF GOOSE CR. & TRIBUTARIES.

1 DAM & 1 PUMP ON EACH CREEK. SEE ATTACHED MAP.

5 ACRES IRRIGATED IN SECTION 30, SWNW, IS OWNED BY BLM.

|

OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD
TO MR & MRS AUSTIN. 12/7/1992 RVW

15. Basis of Claim: DECREED

Case Number:

Court :

MICROFILMED

OCT 27 1994

Decree date: / /

OAKLEY CANAL CO.
Decree Plaintiff

WILLIAM F. WHITTLE ET. AL.
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 X 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 T. Husb* Date: 1 April 94
_____ Date: _____

State of Idaho)
County of Minidoka) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of April 19 94

Thelma Thib
Notary Public

Seal

Residing at Rupert, Id
My Commission Expires 12-14-95

MICROFILMED
OCT 27 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

MARCH 28, 1994 R. KEITH HIGGINSON
Director

CARL AUSTIN
PO BOX 116
OAKLEY ID 83346

RE: AMENDMENT OF SRBA CLAIM A45-00151

DEAR MR. AUSTIN,

PURSUANT TO OUR CONVERSATION EARLIER THIS DAY, I HAVE PREPARED AN AMENDED VERSION OF YOUR SRBA CLAIM WITH THE FOLLOWING CHANGES:

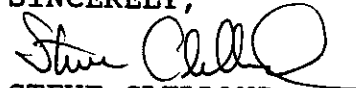
ITEM 4. THE POINT OF DIVERSION - RANGE WAS CORRECTED TO LIST SECTION 31 AS BEING IN RANGE 22E.

ITEM 6. THE PERIOD OF USE - THE IRRIGATION SEASON ENDING DATE WAS CHANGED TO THE 20TH DAY OF JULY INSTEAD OF THE 22ND DAY.

PLEASE FIND ENCLOSED A PRINTOUT OF THE WAY YOUR CLAIM RECORDS HAVE BEEN MODIFIED. IF THIS IS THE CORRECTION YOU WISH TO MAKE PLEASE SIGN, NOTARIZE AND RETURN THE CLAIM TO OUR OFFICE.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,


STEVE CLELLAND
WATER AGENT, SR.

ENC:

MICROFILMED

OCT 27 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A45-00151

RE: ERRORS IN CLAIM

DATE 3-28-94

NAME OF PARTY

CARL Austin

he called to inform us of errors within the
above claim.

1.) Season of Use

shows 4-15 to 7-22
should be to 7-20

2.) POD - Range is Wrong for S. 31

should be R 22 E NOT R 21 E.

MICROFILMED

OCT 27 1994

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: **A45-00151**
Date Received: 3/14/1989
Receipt No: S006545
Received By: _____

Change of Owners

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CARL AUSTIN
Address: P O BOX 116
OAKLEY ID 83346
208-436-5939

2. Date of Priority: FEB 21, 1925

3. Source: GOOSE CREEK
COLD CREEK
Trib. to: SNAKE RIVER
GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	21E	25	SE	SE	NE		CASSIA
			NE	NW	SE		CASSIA
			NW	SW	SE		CASSIA
		31	NW	NW	SW		CASSIA

5. Description of diverting works:
2 DAMS, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	07/22	4.300		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/UP TO 500 BEEF STOCK

MICROFILMED

MAR 07 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	21E	25	NW		NE		IRR	21.0
			SW		NE		IRR	27.0
			SE		NE		IRR	10.0
			SE		NW		IRR	7.0
			NE		SW		IRR	10.0
			SE		SW		IRR	6.0
			NE		SE		IRR	27.0
			NW		SE		IRR	24.0
			SW		SE		IRR	29.0
			SE		SE		IRR	37.0
			Section Acres					198.0
		36	NE		NE		IRR	11.0
			NW		NE		IRR	1.0
			Section Acres					12.0
	22E	30	SW		NW		IRR	5.0
			Section Acres					5.0
			Total Acres					215.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-07173A, A45-10248

14. Remarks:

SEE DECREE FOR LIMITATIONS ON DIVERSION.

PRIORITY DATE NOT GIVEN IN DECREE.

DECREE CONSISTS OF 215 INCHES OF GOOSE CR. & TRIBUTARIES.

1 DAM & 1 PUMP ON EACH CREEK. SEE ATTACHED MAP.

5 ACRES IRRIGATED IN SECTION 30, SWNW, IS OWNED BY BLM.

OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD
TO MR & MRS AUSTIN. 12/7/1992 RVW

15. Basis of Claim: DECREED

Case Number:

Court :

MICROFILMED

MAR 07 1993

OAKLEY CANAL CO.
Decree Plaintiff

VS

(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.

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

State of Idaho)
County of _____) SS.

Notary Public

My Commission Expires _____

MAR 07 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 6/9/92

JUN 10 1992

LEGAL DESCRIPTION OF PROPERTY: Township 15S Range 21E Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM _____
Lot _____, Block _____, Subdivision/Townsite _____, Southern Region Office
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A45-07451; A45-07452, A45-00151,
A45-10248 A45-07173A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MORRIS W MITCHELL
PO BOX 48
OAKLEY ID
- ☐ New Owner/Claimant (Purchaser): CARL AND/OR BARBARA AUSTIN
- ☐ New Mailing Address: 7165 ATHEL P.O. Box 116
IN YOKERNA CA 93527
Oakley, Idaho, 83346
- ☐ New Telephone Number: (619) 577-4665 208-436-5939
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Barbara V. Austin Date 21 May 92
- ☐ Signature of Former Owner/Claimant(s) Morris W Mitchell Date 21 May 1992

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED

MAR 07 1993

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

219423

WARRANTY DEED

For Value Received MORRIS W. MITCHELL AND ELLEN C. MITCHELL, Trustees of the MORRIS W. MITCHELL FAMILY REVOCABLE TRUST AGREEMENT, dated the 3rd day of March 1981

the grantor s. do hereby grant, bargain, sell and convey unto
CARL F. AUSTIN AND BARBARA V. AUSTIN, husband and wife
P.O. Box 116, Oakley, Idaho 83346

RECEIVED

JUN 18 1992

Department of Water Resources
Southern Region Office

the grantee s. the following described premises, to-wit:

TOWNSHIP 15 SOUTH, RANGE 21 EAST, BOISE MERIDIAN

Section 14: SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER WITH: Water Right Numbers A45-07451, A45-07452, A45-00151, A45-10248 and A45-07173A.

SUBJECT TO: General taxes for the year 1992 and subsequent years.

Easements to Idaho Power Company recorded May 17, 1962 as Instrument No. 6980 on Film No. 13; Recorded October 6, 1972 as Instrument No. 65553 on Film No. 78; Recorded November 18, 1975 as Instrument No. 87661 on Film No. 98, all in records of Cassia County, Idaho.

COPY

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

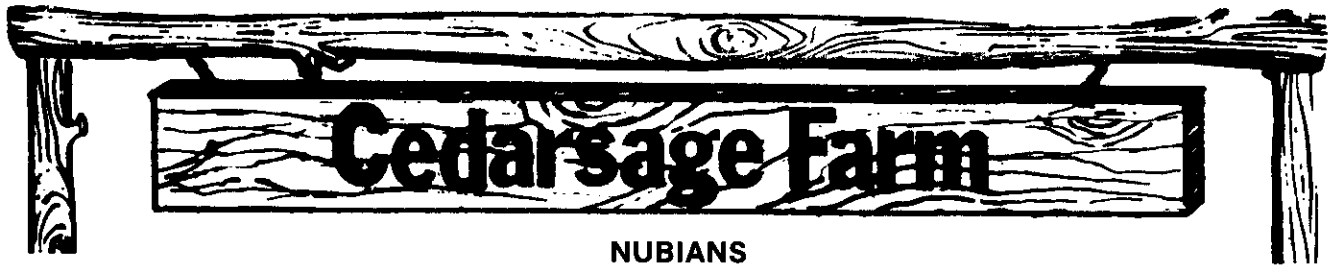
FILM 225

1992 JUN -9 P 3:45

219423

MICROFILMED

MAR 07 1993



NUBIANS

7165 Aibel Road • Inyokern, California 93527 • (619) 877-4665

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

07-Dec-1992

MR. & MRS. CARL AUSTIN
P O BOX 116
OAKLEY ID 83346

Re: Ownership changes for Adjudication Claims No. A45-00151,
A45-07173A, A45-07451, A45-07452 & A45-10248.

Dear Claimant:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claims are appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claims noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

Robert Worstell
Sr Adjudication Agent

Enclosures

MICROFILMED

MAR 07 1993

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: A45-00151
Date Received: 3/14/1989
Receipt No: S006545
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MORRIS W. MITCHELL
Address: P.O. BOX 48
OAKLEY, ID 83346
208-436-5939

2. Date of Priority: FEB 21, 1925

3. Source: GOOSE CREEK
COLD CREEK
Trib. to: SNAKE RIVER
GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	21E	25	SE	SE	NE		CASSIA
			NE	NW	SE		CASSIA
			NW	SW	SE		CASSIA
		31	NW	NW	SW		CASSIA

5. Description of diverting works:
2 DAMS, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	07/22	4.300		
STOCKWATER	01/01	12/31	0.120		

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

A.F.A.

8. Total consumptive use is
Acre Feet Per Annum.

9. Non-irrigation uses:
S/UP TO 500 BEEF STOCK

A45-00151

Page 1

Date: 03/14/89

MICROFILMED

MAR 07 1989

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
15S	21E	25	NW		NE		IRR	21.0		
			SW		NE		IRR	27.0		
			SE		NE		IRR	10.0		
			SE		NW		IRR	7.0		
			NE		SW		IRR	10.0		
			SE		SW		IRR	6.0		
			NE		SE		IRR	27.0		
			NW		SE		IRR	24.0		
			SW		SE		IRR	29.0		
			SE		SE		IRR	37.0		
			Section Acres							198.0
				36	NE		NE		IRR	11.0
			NW			NE		IRR	1.0	
Section Acres							12.0			
	22E	30	SW		NW		IRR	5.0		
Section Acres									5.0	
Total Acres							215.0			

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-07173A, A45-10248

14. Remarks:
SEE DECREE FOR LIMITATIONS ON DIVERSION.
PRIORITY DATE NOT GIVEN IN DECREE.
DECREE CONSISTS OF 215 INCHES OF GOOSE CR. & TRIBUTARIES.
1 DAM & 1 PUMP ON EACH CREEK. SEE ATTACHED MAP.
5 ACRES IRRIGATED IN SECTION 30, SWNW, IS OWNED BY BLM.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

OAKLEY CANAL CO.
Decree Plaintiff

vs

WILLIAM F. WHITTLE ET. AL.
Decree Defendant

A45-00151

Page 2

Date: 03/14/89

MICROFILMED

MAR 6 7 1993

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): *Darwin D. Nelson* Date: 3/14/89
_____ Date: _____

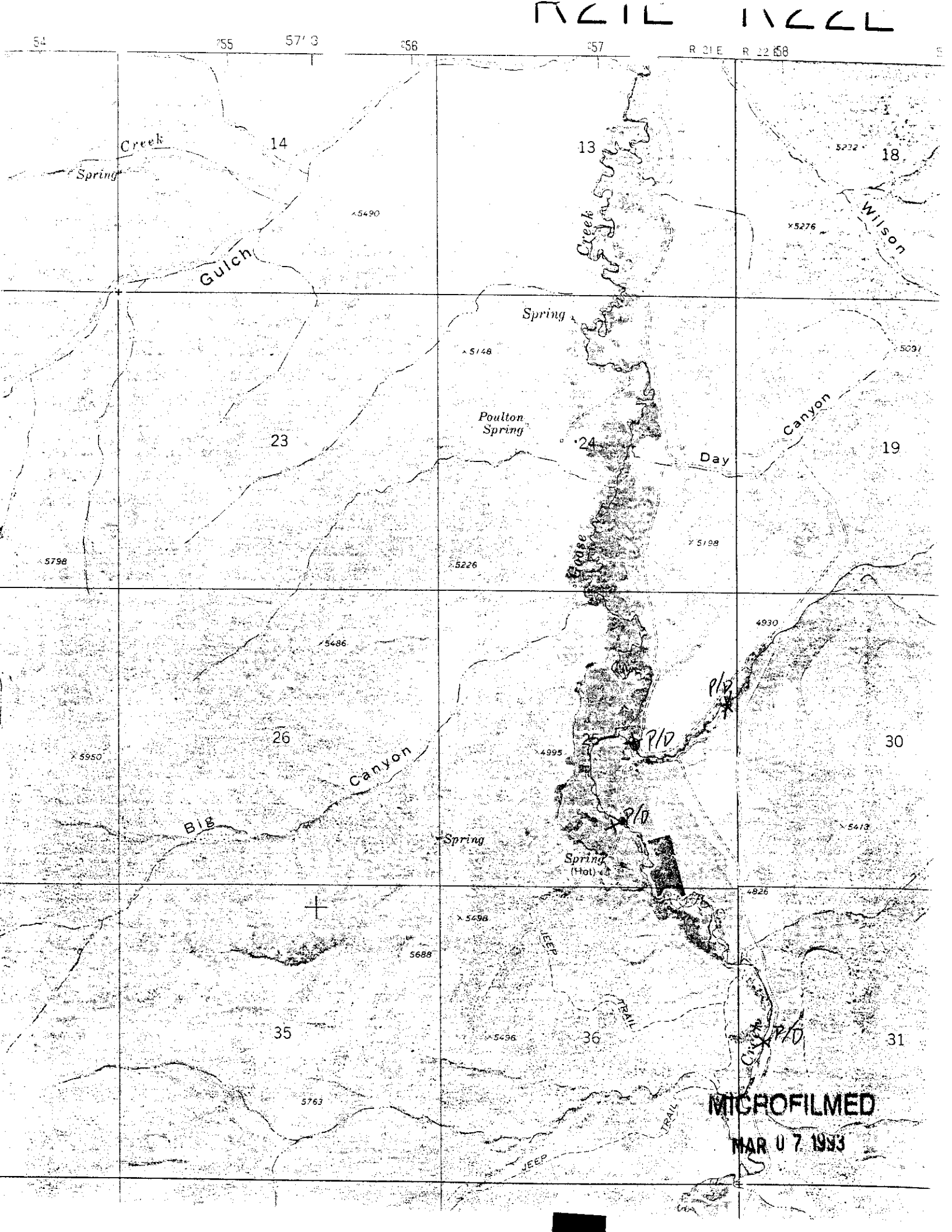
State of Idaho)
County of TF) SS.

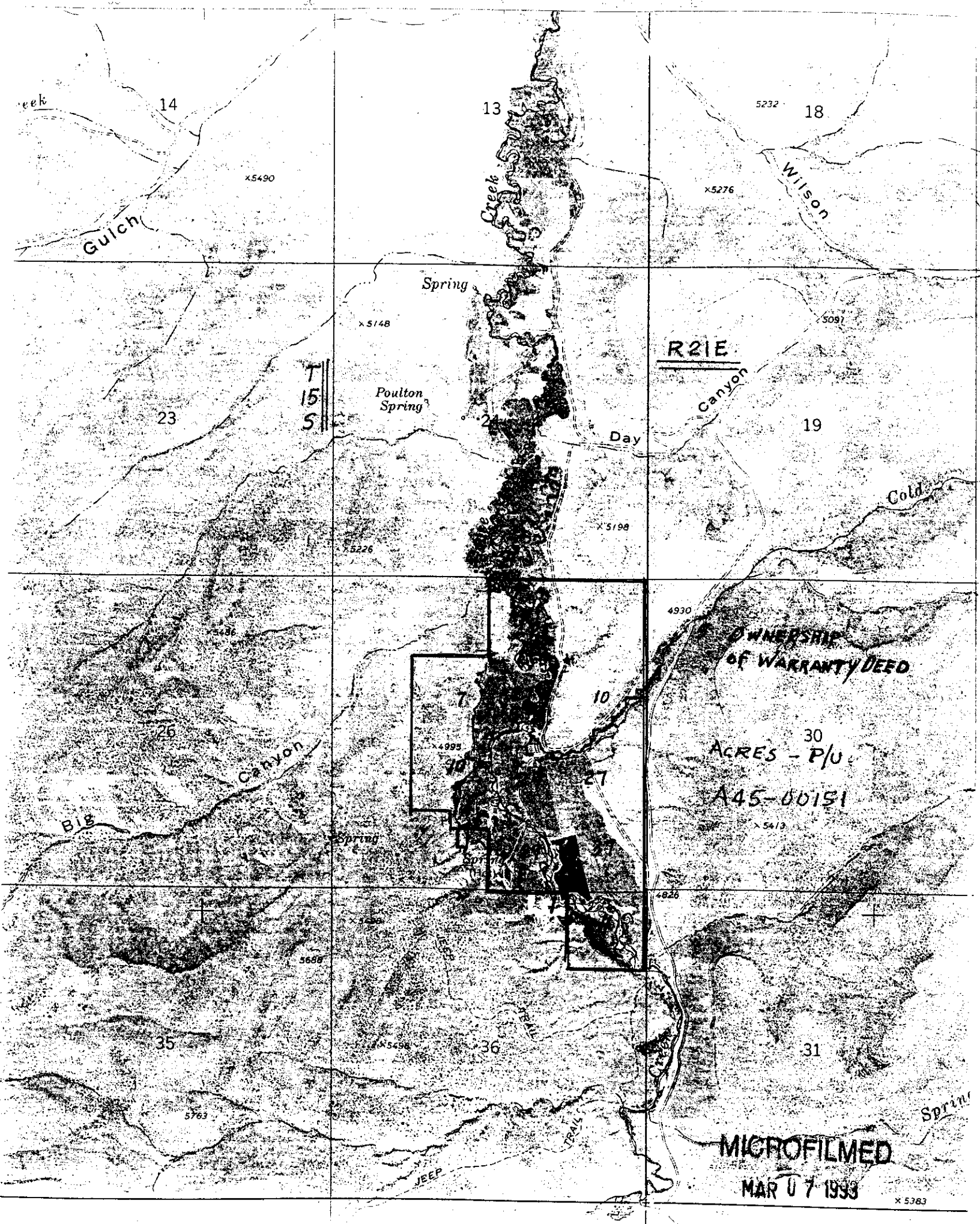
Subscribed and sworn (or affirmed) before me this 14 day ^{OK}
of March 19 89

Lon White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94





14
Gulch

13

18
5232

x5490

x5276

Wilson

Spring

x5148

Poulton Spring

R21E

Canyon

19

Day

Cold

x5190

x5226

4930

OWNERSHIP
OF WARRANTY DEED

30
ACRES - P/U
A45-00151

x5413

4926

Spring

x4995

10

27

Spring

x5498

5680

35

x5498

36

31

5763

Spring

MICROFILMED

MAR 07 1993

x5383

JEEP

TRAIL

05/21/2004

**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: see cover letter

Water right number: 45-151

BARBARA V AUSTIN

PO BOX 93

OAKLEY ID 83346

Telephone Number: (208)436-1562

CARL F AUSTIN

PO BOX 93

OAKLEY ID 83346

Telephone Number: (208)436-1562

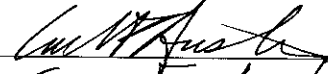
RECEIVED
MAY 25 2004
Department of Water Resources
Southern Region

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

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 25 May 2004 SIGNATURE: 
Please print your name: CARL F. Austin

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

05/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-151
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: COLD CREEK
GOOSE CREEK
TRIBUTARY: GOOSE CREEK
TRIBUTARY: SINKS

QUANTITY: 4.300 CFS

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION:

T15S R21E S25 SESENE Within CASSIA County
T15S R21E S25 NENWSE Within CASSIA County
T15S R21E S25 NWSWSE Within CASSIA County
T15S R22E S31 NWNWSW Lot 3 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 07/20	4.300 CFS
STOCKWATER	04/15 07/20	0.120 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R21E S25	NENE	5.0	T15S R21E S25	NWNE	13.0
T15S R21E S25	SWNE	24.0	T15S R21E S25	SENE	15.0
T15S R21E S25	SENW	6.0	T15S R21E S25	NESW	11.0
T15S R21E S25	SESW	6.0	T15S R21E S25	NESE	21.0
T15S R21E S25	NWSE	27.0	T15S R21E S25	SWSE	30.0
T15S R21E S25	SESE	35.0	T15S R21E S36	NENE	22.0

STOCKWATER Within CASSIA County

T15S R21E S25	NWNE	T15S R21E S25	SWNE
T15S R21E S25	SENE	T15S R21E S25	SENW
T15S R21E S25	NESW	T15S R21E S25	SESW
T15S R21E S25	NESE	T15S R21E S25	NWSE
T15S R21E S25	SWSE	T15S R21E S25	SESE
T15S R21E S36	NENE		

215 ACRES TOTAL

05/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.

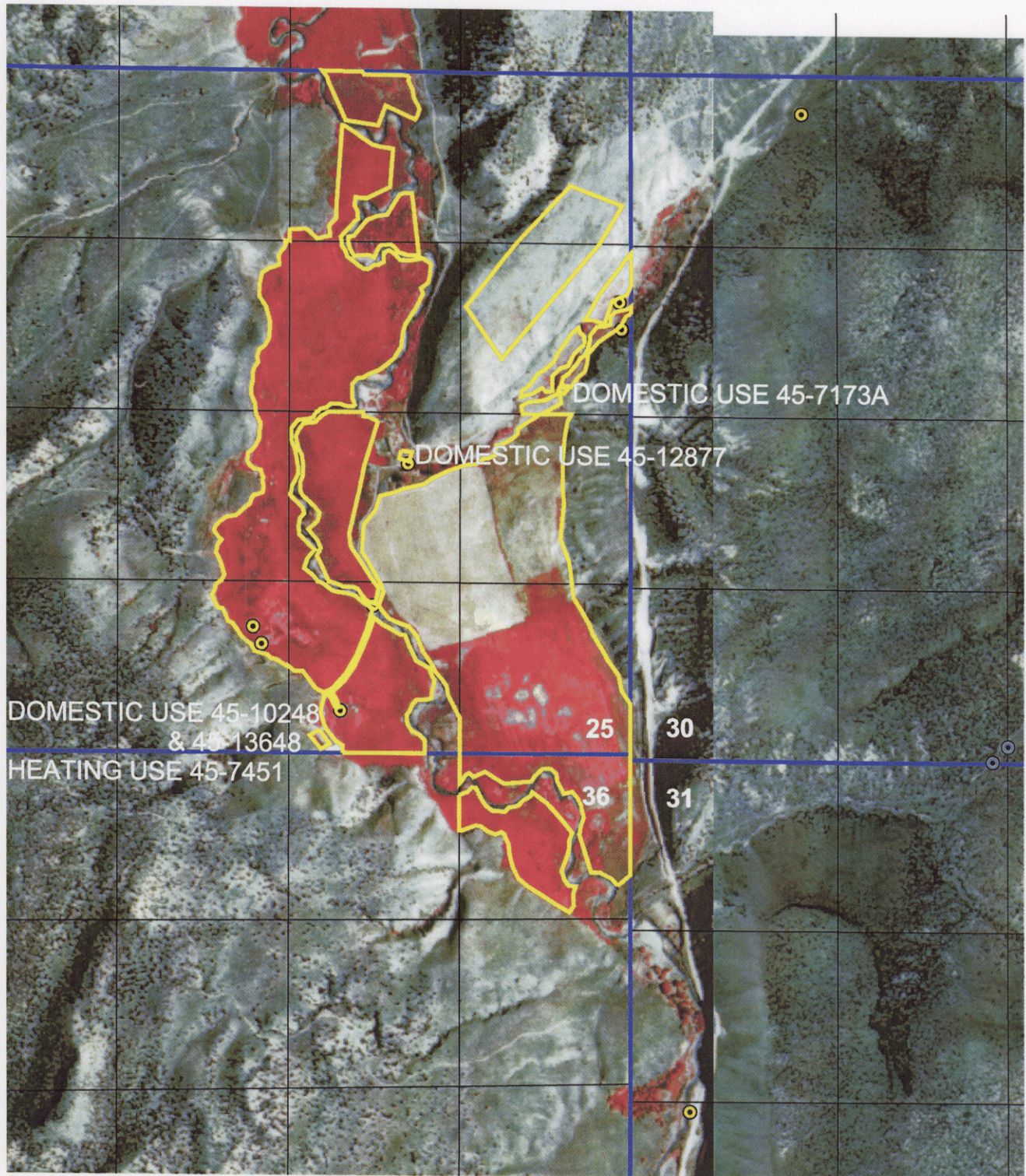
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



1320 0 1320 2640 3960 Feet

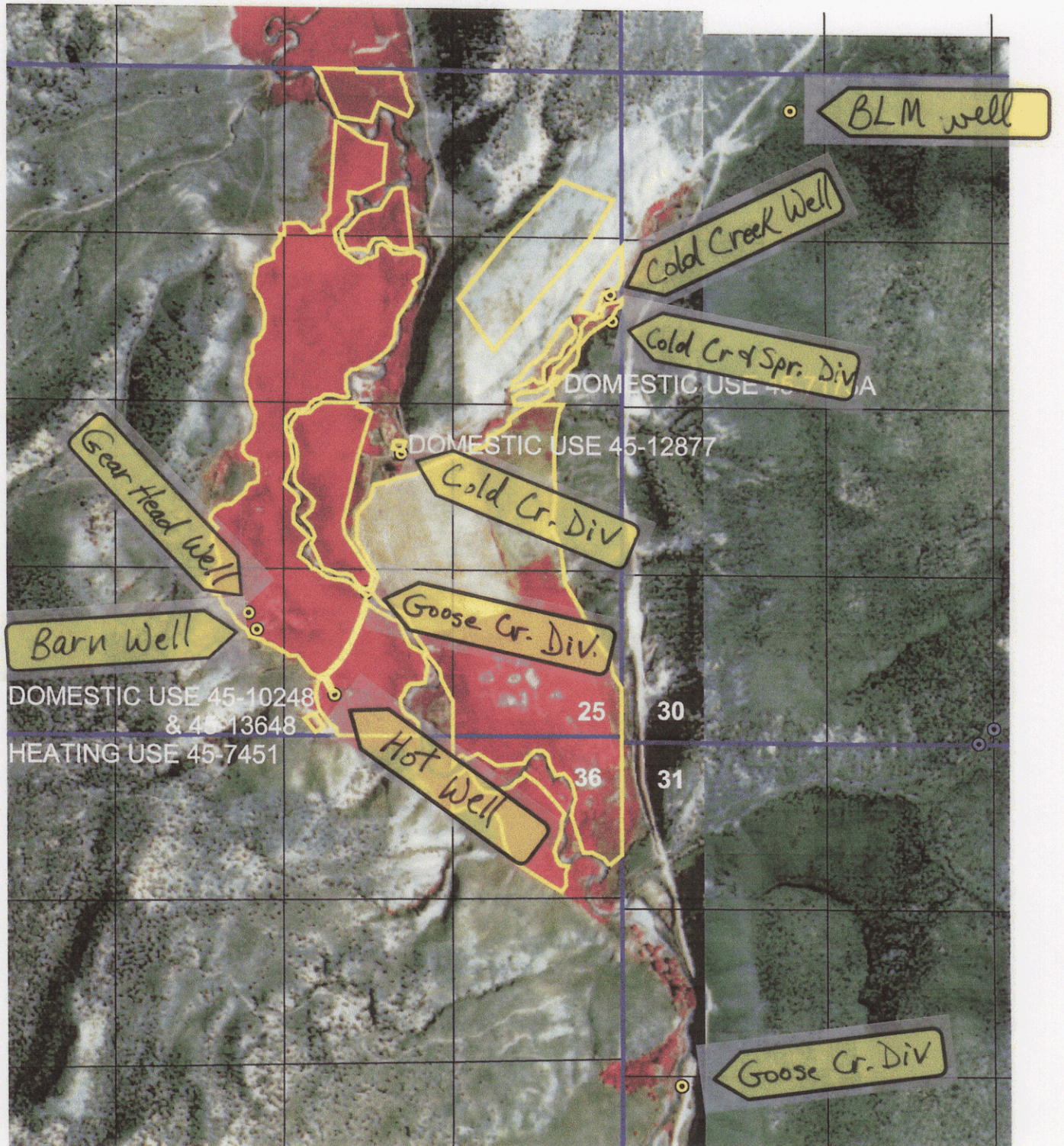
RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines



Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



1320 0 1320 2640 3960 Feet

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-151 V1

WATER RIGHT NUMBER: 45-151 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562

Priority Date: 02/21/1925

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD CREEK	GOOSE CREEK
GOOSE CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 07/20	4.300 CFS	
STOCKWATER	04/15 to 07/20	0.120 CFS	
	<u>Total Diversion:</u>	4.300 CFS	

Location of Point(s) of Diversion

GOOSE CREEK CASSIA County	NW1/4SW1/4SE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
COLD CREEK CASSIA County	NE1/4NW1/4SE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
GOOSE CREEK CASSIA County	L3 (NW1/4NW1/4SW1/4)	Sec. 31, Twp 15S, Rge 22E, B.M.
COLD CREEK CASSIA County	SE1/4SE1/4NE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-151 V1

Total Acres: 215

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	21E	25		X	X	X				X		X		X	X	X	X	X	
15S	21E	36	X																

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation

Comment: Recommendation based on decree which limited the claimed Pou of 225 acres to 209 acres within the 215 recommended acres per GIS (no decreed acres in the SESW of Section 25, yet 6 found). Also stockwater use has season of 4/15 to 7/20, not year round as claimed.

2. jroberts 5/20/2004 NOE

Comment: Tweaked pou per our discussion in my office, same 215 acres.

02/09/2004

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: See cover letter

Water right number: 45-151

BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

RECEIVED
MAY 14 2004
Department of Water Resources
Southern Region

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

2. Describe the changes you wish to make in the proposed recommendation:

It is my belief that the place of use for this right should remain the place spelled out explicitly in the Whittle Decree.

3. Give a brief explanation as to why you disagree with these portions:

disagree as noted in PRZ above

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

DATE: 14 May

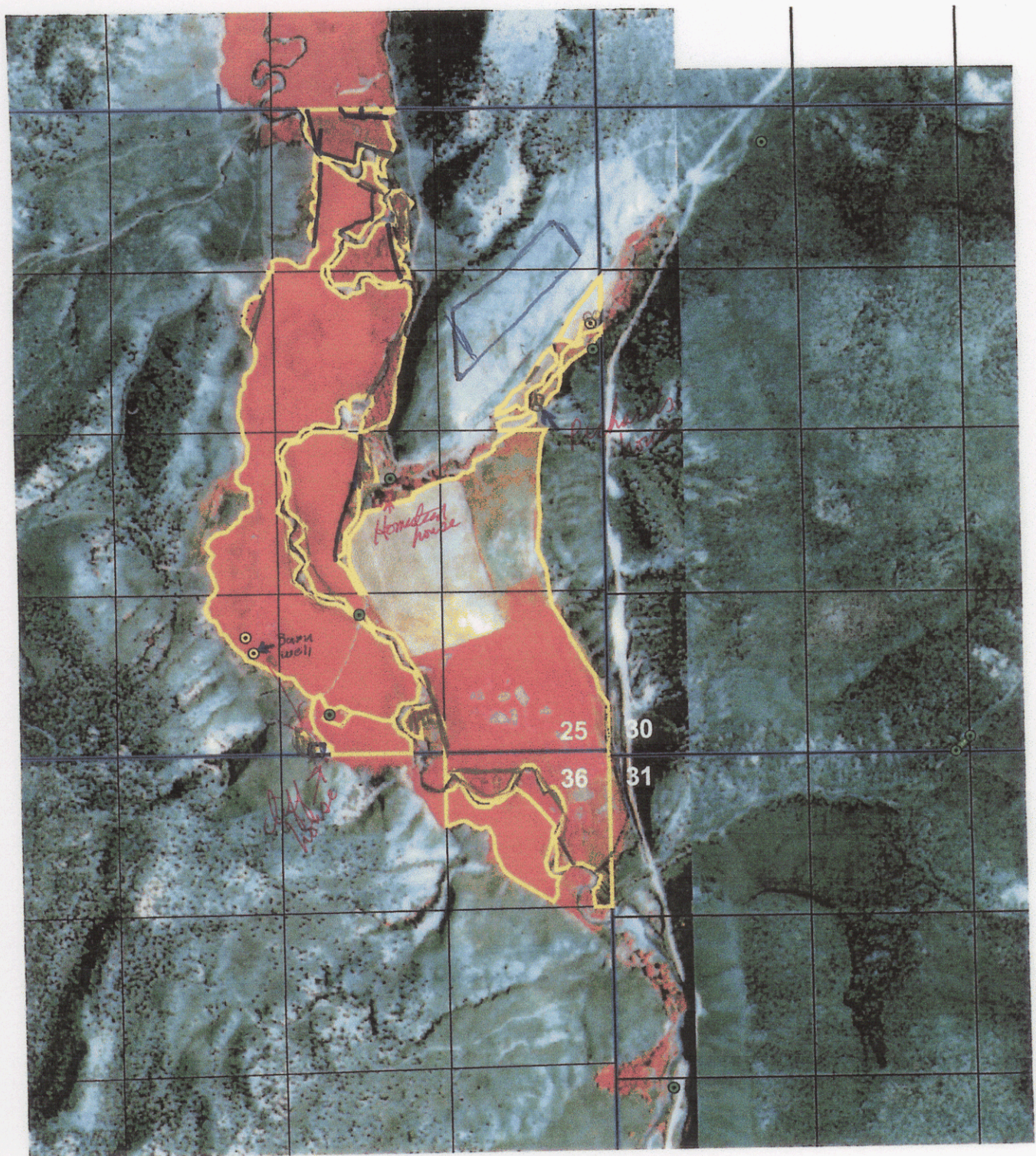
SIGNATURE: *Carl F. Austin*

Please print your name: CARL F. AUSTIN

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

*Whittle Decree
440 acres*

~~45-13648~~



1320 0 1320 Feet

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 5, 2004
TWP 15S, RNG 21E, SEC. 25 & 36



Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2004

CARL AUSTIN
PO BOX 93
OAKLEY ID 83346

RE: New Recommendations

Dear Mr. Austin,

Enclosed are revised recommendations made after reviewing your amended claims. Please note the following changes from the claims to the recommendations:

I dropped the domestic use from 45-7173A because this is for the well in Section 30 (BLM well) and I don't believe there is any domestic use associated with this well individually. I also added a limiting remark regarding the diversion rate and volume for stockwater use when combined with 45-13648 (other three wells) because all four wells were licensed together and this was the rate and volume for all four when combined.

When you were here last week you asked about getting a beneficial use right for license 45-7451 (heating) in order to get the earlier priority date of 1968, per the statement made by Morris Mitchell in the memo dated 2/3/1993. I created claim 45-13653 to replace the license 45-7174. When I started reviewing your claims again, I realized that the 1968 date was **after the Mandatory Permit Statute, which stated a water right for groundwater could only be established through the Permit-License process after March 25, 1963, except for domestic use.** I apologize for not realizing this problem at the time! I have therefore gone back to the license for this recommendation. (You could, however, have the domestic use for heating (0.02 cfs) with the earlier date under 45-13653 if you wish to pay a \$25.00 filing fee. Both 45-13653, if filed, and 45-7451 would be limited to the 0.16 cfs when combined.)

You amended 45-10248 (irrigation, stockwater, and domestic from the hot well) to increase the diversion rate, but I am recommending the original claimed 0.16 cfs, as measured during the field exam for 45-7451. That was the system capacity of the well, with open discharge to the stream at the time of measurement, and the best information I have at this time.

Lastly, I realized the standard irrigation season in your area is 4/1 to 10/31 so the beneficial use based recommendations now reflect this season of use.

If you have any questions, please wait till after the Preliminary Report goes out in a few weeks. We can discuss any other matters during the Notice of Error Period.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeanie'.

Jeanie Robertson
Sr. Water Resource Agent

VERIFIED BY *RL 2/9/04*
02/09/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-151
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: COLD CREEK
GOOSE CREEK
TRIBUTARY: GOOSE CREEK
TRIBUTARY: SINKS

QUANTITY: 4.300 CFS

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION:

T15S R21E S25 SESENE Within CASSIA County
T15S R21E S25 NENWSE Within CASSIA County
T15S R21E S25 NWSWSE Within CASSIA County
T15S R22E S31 NWNWSW Lot 3 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 07/20	4.300 CFS
STOCKWATER	04/15 07/20	0.120 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R21E S25	NWNE	18.0	T15S R21E S25	SWNE	28.0
T15S R21E S25	SENE	5.0	T15S R21E S25	SENW	6.0
T15S R21E S25	NESW	11.0	T15S R21E S25	SESW	6.0
T15S R21E S25	NESE	21.0	T15S R21E S25	NWSE	29.0
T15S R21E S25	SWSE	32.0	T15S R21E S25	SESE	35.0
T15S R21E S36	NENE	24.0			

STOCKWATER Within CASSIA County

T15S R21E S25	NWNE	T15S R21E S25	SWNE
T15S R21E S25	SENE	T15S R21E S25	SENW
T15S R21E S25	NESW	T15S R21E S25	SESW
T15S R21E S25	NESE	T15S R21E S25	NWSE
T15S R21E S25	SWSE	T15S R21E S25	SESE
T15S R21E S36	NENE		

215 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.

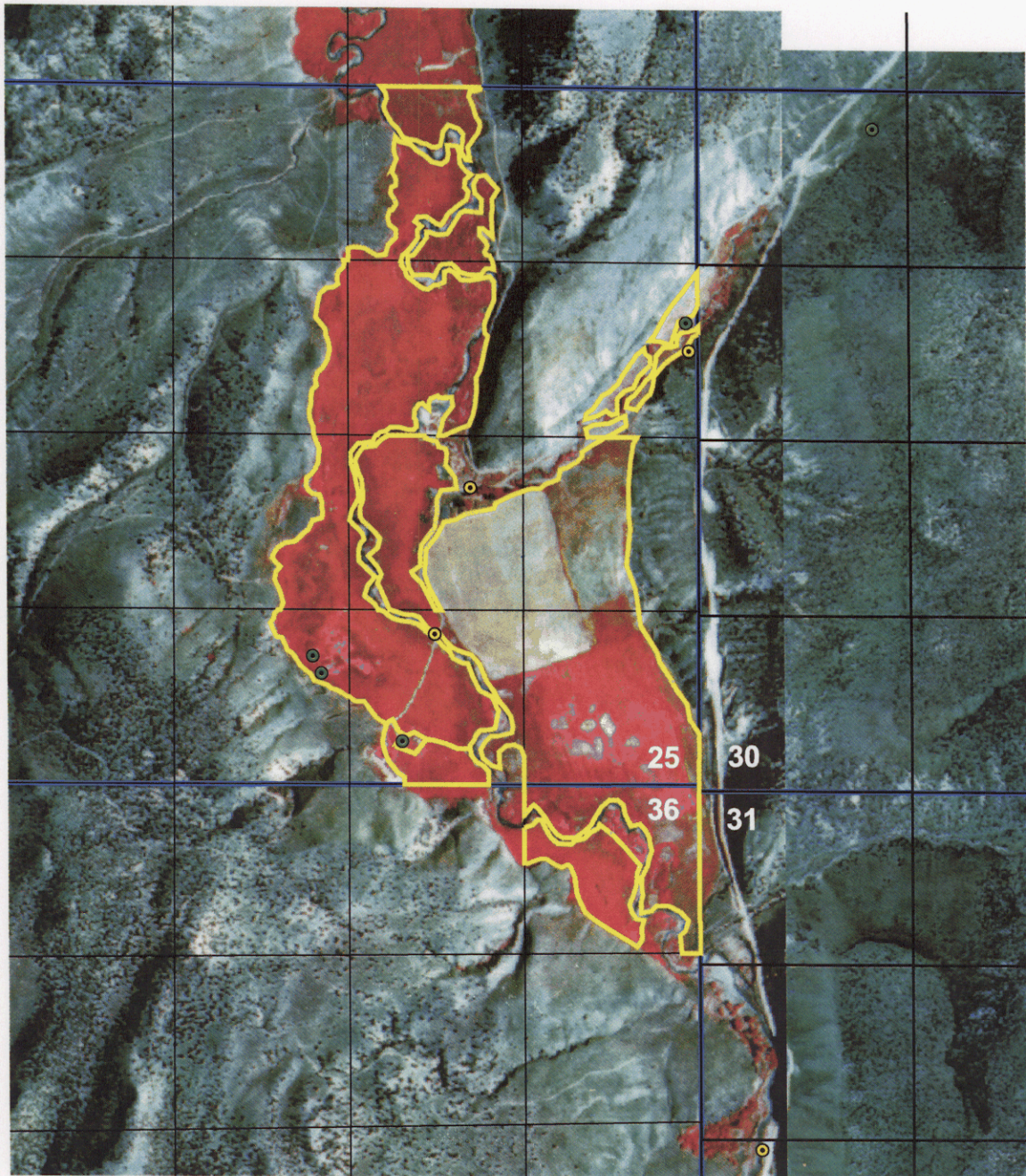
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

45-151



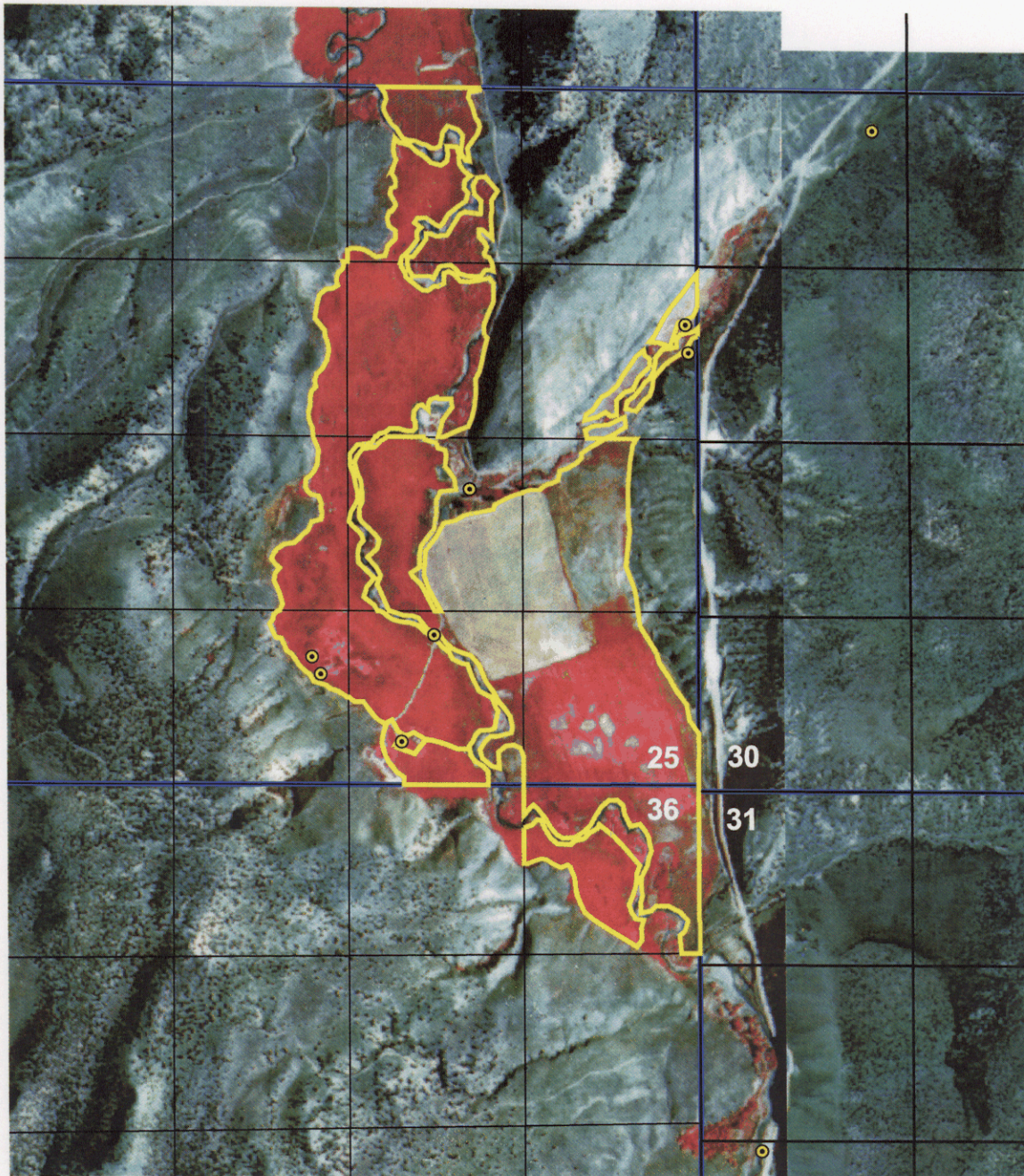
0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29, 2002
TWP 15S, RNG 21E, SEC. 25 & 36

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

45-151, 45-7173A, 45-7451, & 45-10248 + 45-13648



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29, 2002
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

Adjudication Recommendation Report 45-151 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 07/20	4.300 CFS	
STOCKWATER	04/15 to 07/20	0.120 CFS	
	Total Diversion:	4.300 CFS	

GOOSE CREEK CASSIA County	NW1/4SW1/4SE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
COLD CREEK CASSIA County	NE1/4NW1/4SE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
GOOSE CREEK CASSIA County	L3 (NW1/4NW1/4SW1/4)	Sec. 31, Twp 15S, Rge 22E, B.M.
COLD CREEK CASSIA County	SE1/4SE1/4NE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-151 V1

Total Acres: 215

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	21E	25		X	X	X				X	X		X	X	X	X	X	X	
15S	21E	36	X																

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.
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Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation

Comment: Recommendation based on decree which limited the claimed Pou of 225 acres to 209 acres within the 215 recommended acres per GIS (no decreed acres in the SESW of Section 25, yet 6 found). Also stockwater use has season of 4/15 to 7/20, not year round as claimed.

VERIFIED BY *jl* 10/28/02
01/13/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-151
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: COLD CREEK
GOOSE CREEK

TRIBUTARY: GOOSE CREEK
TRIBUTARY: ~~SNAKE RIVER~~

SINKS

QUANTITY: 4.300 CFS

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION:

T15S R21E S25 SESENE Within CASSIA County
T15S R21E S25 NENWSE Within CASSIA County
T15S R21E S25 NWSWSE Within CASSIA County
T15S R22E S31 NWNWSW Lot 3 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 07/20	4.300 CFS
STOCKWATER	04/15 07/20	0.120 CFS

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PLACE OF USE: IRRIGATION Within CASSIA County

T15S R21E S25	NWNE	18.0	T15S R21E S25	SWNE	28.0
T15S R21E S25	SENE	5.0	T15S R21E S25	SENW	6.0
T15S R21E S25	NESW	11.0	T15S R21E S25	SESW	6.0
T15S R21E S25	NESE	21.0	T15S R21E S25	NWSE	29.0
T15S R21E S25	SWSE	32.0	T15S R21E S25	SESE	35.0
T15S R21E S36	NENE	24.0			

STOCKWATER Within CASSIA County

T15S R21E S25	NWNE		T15S R21E S25	SWNE	
T15S R21E S25	SENE		T15S R21E S25	SENW	
T15S R21E S25	NESW		T15S R21E S25	SESW	
T15S R21E S25	NESE		T15S R21E S25	NWSE	
T15S R21E S25	SWSE		T15S R21E S25	SESE	
T15S R21E S36	NENE				

215 ACRES TOTAL

01/13/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-151, 45-7173A, & 45-10248. *+ 45-13648*

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Adjudication Recommendation Report 45-151 V1

WATER RIGHT NUMBER: 45-151 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562

Priority Date: 02/21/1925

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD CREEK	GOOSE CREEK
GOOSE CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 07/20	4.300 CFS	
STOCKWATER	04/15 to 07/20	0.120 CFS	
	<u>Total Diversion:</u>	4.300 CFS	

Location of Point(s) of Diversion

GOOSE CREEK CASSIA County	NW1/4SW1/4SE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
COLD CREEK CASSIA County	NE1/4NW1/4SE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.
GOOSE CREEK CASSIA County	L3 (NW1/4NW1/4SW1/4)	Sec. 31, Twp 15S, Rge 22E, B.M.
COLD CREEK CASSIA County	SE1/4SE1/4NE1/4	Sec. 25, Twp 15S, Rge 21E, B.M.

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-151 V1

Total Acres: 215

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
15S	21E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X	X	X				X	X			X	X	X	X	X	
15S	21E	36	X																

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, & 45-10248.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation
 Comment: Recommendation based on decree which limited the claimed Pou of 225 acres to 209 acres within the 215 recommended acres per GIS (no decreed acres in the SESW of Section 25, yet 6 found). Also stockwater use has season of 4/15 to 7/20, not year round as claimed.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-151 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/28/2002 8:37:20 AM	JROBERTS			Active
POD	10/28/2002 8:38:00 AM	JROBERTS			Active
Source	10/28/2002 8:43:14 AM	JROBERTS			Active
POU	10/28/2002 8:46:05 AM	JROBERTS			Active
Use	10/28/2002 8:47:36 AM	JROBERTS			Active
Season	10/28/2002 8:51:58 AM	JROBERTS			Active
Quantity	10/28/2002 8:53:17 AM	JROBERTS			Active
Summary			10/28/2002	JROBERTS	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/10/2003 2:19:31 PM	jroberts	Edited shape boundary
POU	1/10/2003 2:21:48 PM	jroberts	Edited shape boundary
POU	1/10/2003 2:20:45 PM	jroberts	Edited PLS
POU	1/10/2003 2:22:47 PM	jroberts	Edited PLS
POU	1/10/2003 2:33:50 PM	jroberts	Edited shape boundary
POU	1/10/2003 2:34:11 PM	jroberts	Edited PLS
POU	1/13/2003 7:58:54 AM	jroberts	Edited PLS
POU	1/13/2003 8:04:55 AM	jroberts	Edited shape boundary
POU	1/13/2003 7:58:17 AM	jroberts	Edited shape boundary
POU	1/13/2003 7:59:17 AM	jroberts	Edited shape boundary
POU	1/13/2003 8:05:54 AM	jroberts	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-151 V1

Priority Date	10/28/2002 8:37:21 AM	JROBERTS	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/28/2002 8:38:01 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	10/28/2002 8:40:18 AM	JROBERTS	Edited point location
POD	10/28/2002 8:40:28 AM	JROBERTS	Edited PLS
POD	10/28/2002 8:41:32 AM	JROBERTS	Edited point location
POD	10/28/2002 8:41:40 AM	JROBERTS	Edited PLS
POD	10/28/2002 8:42:02 AM	JROBERTS	Edited point location
POD	10/28/2002 8:42:12 AM	JROBERTS	Edited PLS
POD	10/28/2002 8:42:37 AM	JROBERTS	Edited point location
POD	10/28/2002 8:42:51 AM	JROBERTS	Edited PLS
Source	10/28/2002 8:43:16 AM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-151 V1

POU	10/28/2002 8:46:07 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - There are 6 acres irrigated in the SESW of Section 25 which were not in the original decreed PoU, will limit total PoU to 219 acres within a 225 ac PPU. Description for Question 13 - Using claim file, claimant input and GIS interpretation of the 1987 aerial photo.
POU	10/28/2002 8:46:31 AM	JROBERTS	Edited shape boundary
POU	10/28/2002 8:46:59 AM	JROBERTS	Edited PLS
Use	10/28/2002 8:47:38 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/28/2002 8:52:00 AM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 7. Does the claim include an enlargement in the Period of Use? (No) 9. Was an enlargement claim filed? (No) 10. Did the claimant file an enlargement claim? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-151 V1

Quantity	10/28/2002 8:53:19 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	10/28/2002 9:07:45 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-151

WATER RIGHT NUMBER: 45-151

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES F DEVINE
	, ZZ
Current Owner	MELVIN ELISON
	, ZZ
Current Owner	FRED ELISON
	, ZZ

Priority Date: 02/21/1925

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GOOSE CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/15 to 7/20		
IRRIGATION	4/15 to 7/20	4.300 CFS	
DOMESTIC	4/15 to 7/20		
	<u>Total Diversion:</u>	4.300 CFS	

Location of Point(s) of Diversion

GOOSE CREEK

Place of UseIRRIGATION Within CASSIA County

T15S R21E S25	NENE	T15S R21E S25	NWNE
T15S R21E S25	SWNE	T15S R21E S25	SENE
T15S R21E S25	SENE	T15S R21E S25	NESW
T15S R21E S25	NESE	T15S R21E S25	NWSE
T15S R21E S25	SWSE	T15S R21E S25	SESE
T15S R21E S36	NENE		

STOCKWATER same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General SEE DECREE FOR LIMITATIONS ON DIVERSION.
PRIORITY DATE NOT GIVEN IN DECREE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

The original letter
was returned by
the P.D. and indicated
your box # is now 93.
Please fill out & sign
this Change of Address
form also!

Carl & Barbara Lester
(in-part N/A)
P.O. Box 93
Oakley, ID 83346
Department of Water Resources
Southern Region
OCT 03 2002
RECEIVED

4013 MAILED FROM ZIP CODE
33005 00-600 SEP 30 2002
TWIN FALLS, ID
U.S. POSTAGE
ALWAYS
USE
ZIP CODE
PB3524253
83301



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

September 30, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CARL & BARBARA AUSTIN
PO BOX 116
OAKLEY ID 83346

*5 wells in use
How many
wells total on
the place?*

*- is this another
well?
- how many total?*

RE: Adjudication Claims [REDACTED], 45-7173A, & 45-10248

Dear Mr. & Mrs. Austin,

I am currently reviewing the adjudications claims for your property and I have a few questions. (This is the next step in the adjudication process, the first step being the initial claim filing back in the late 80's, by Morris Mitchell. I will review the claims and make a recommendation to the court for the final decree.) I noticed that 45-151 (diversions from Goose & Cold Creeks) and 45-10248 (artesian well) were each for 215 acres of irrigation. Then 45-7173A (five wells) was for only 207 irrigated acres. **Are there 207 acres or 215 total acres irrigated? Is the artesian well claimed under 45-10248 also one of the wells later licensed under 45-7173?**

Also, 4 of the claimed acres under these rights are on BLM ground. **Are you irrigating land on BLM? Do you have an agreement with them?** Usually the BLM objects to rights recommended on BLM ground and either wants the water rights split, part in the name of BLM, or they require you to stop irrigating BLM acres. I just wanted to make sure you were aware of this before I made any recommendations. You can **amend** the claims and drop these 4 acres if you prefer.

If you would like to come into the office and discuss these matters the next time you plan a trip to Twin Falls, please call ahead and set up an appointment to be sure I am available to meet with you.

If you have any questions, feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Log for claim A45-00151

Spatial Dynamics MWY

2/29/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
15	21	25	NENE	5		
15	21	25	NWNE	27 21	21 23	
15	21	25	SWNE	27 27	27 27	
15	21	25	SENE	17 10	5 6.3	
15	21	25	SENE	6 7	6 6.2	
15	21	25	NESW	11 10	11 12	
15	21	25	SESW	6 6	6 6.1	
15	21	25	NESE	28 27	21 22	
15	21	25	NWSE	26 24	59 35	
15	21	25	SWSE	32 29	32 32	
15	21	25	SESE	33 37	35 35	
15	21	36	NENE	17 (11) 3	24 20	
15	21	36	NWNE	1	3 4.2	— BLM (4.2 ac land)
15	22	30	SWNW	8	2.1	— BLM
Totals:				225 215	239.9	

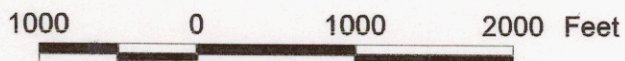
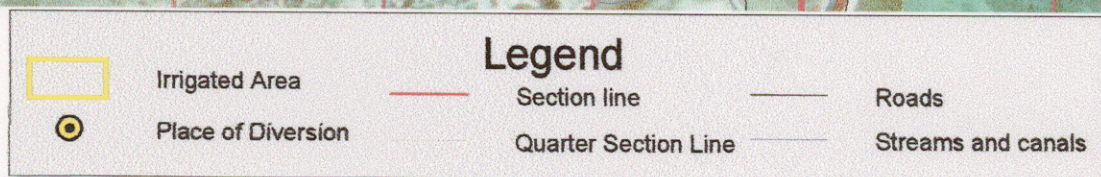
217 (4 or BLM)

- not decreed to BLM land
- would have to be enlargement
- delete BLM acres?

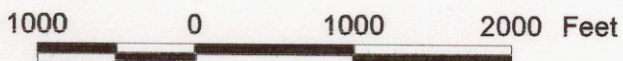
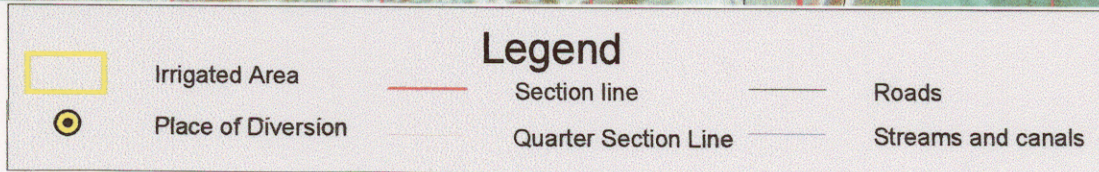
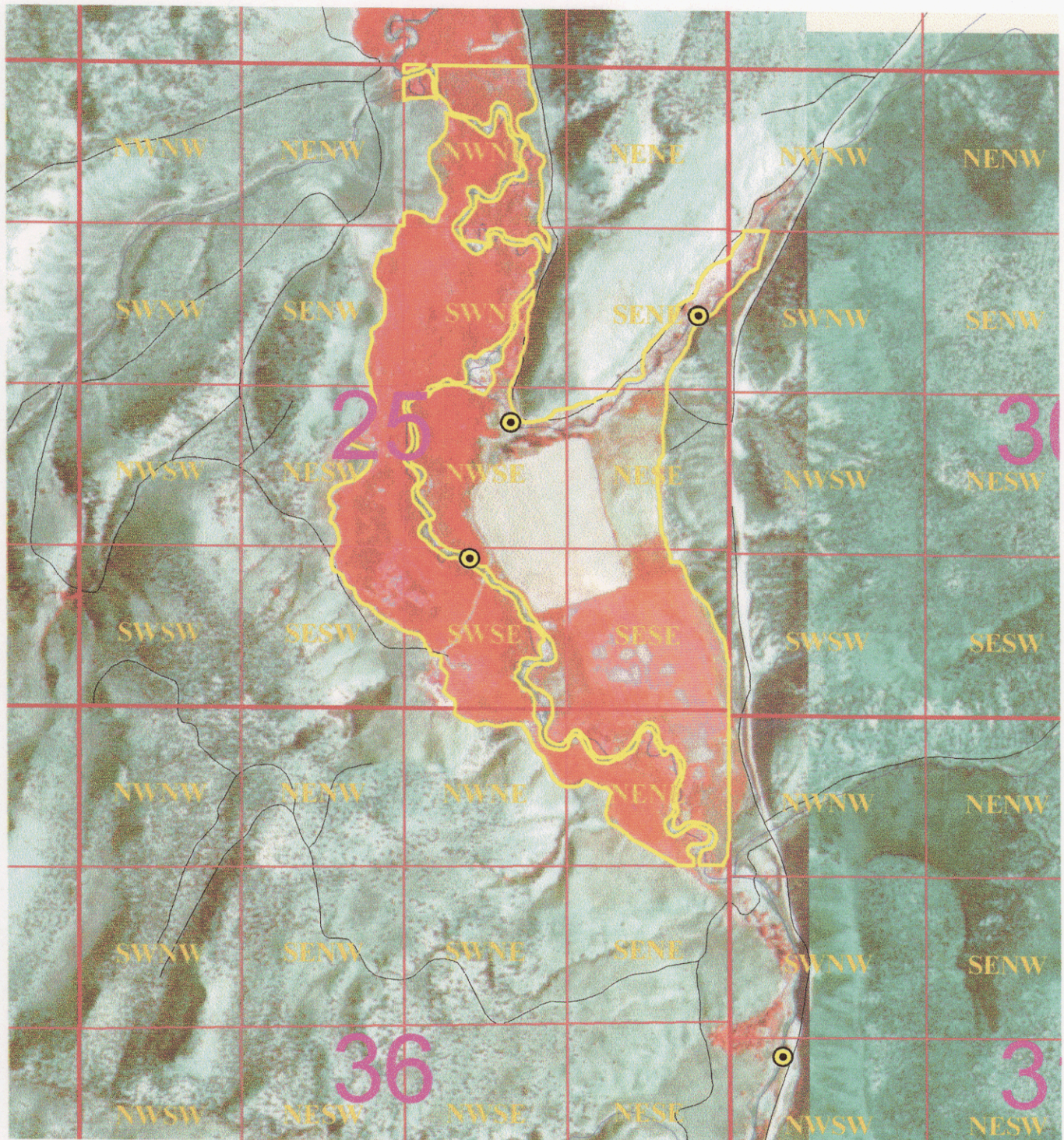
- stockwater not on decree (incidental, not not year round) 1/5/00

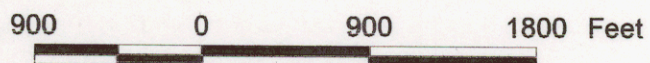
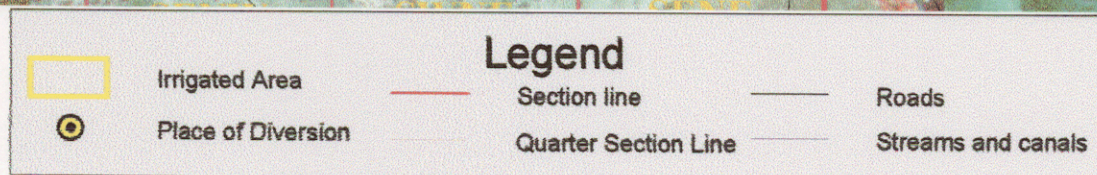
- ★ - decree not in SE SW of Sec. 25 (6 acres found)
- limit to 211 w/in 217 ac

7 Goose Creek
not tributary
to Snake River

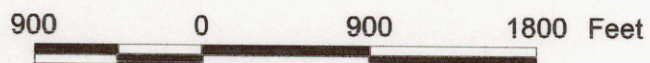
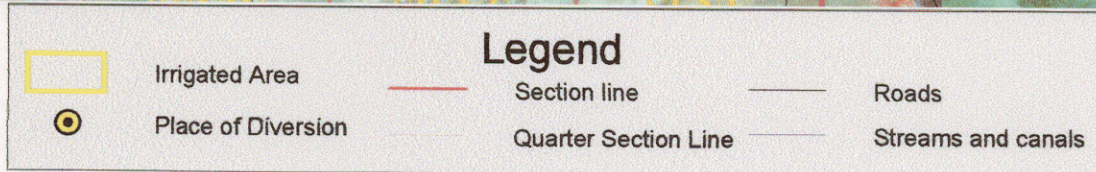
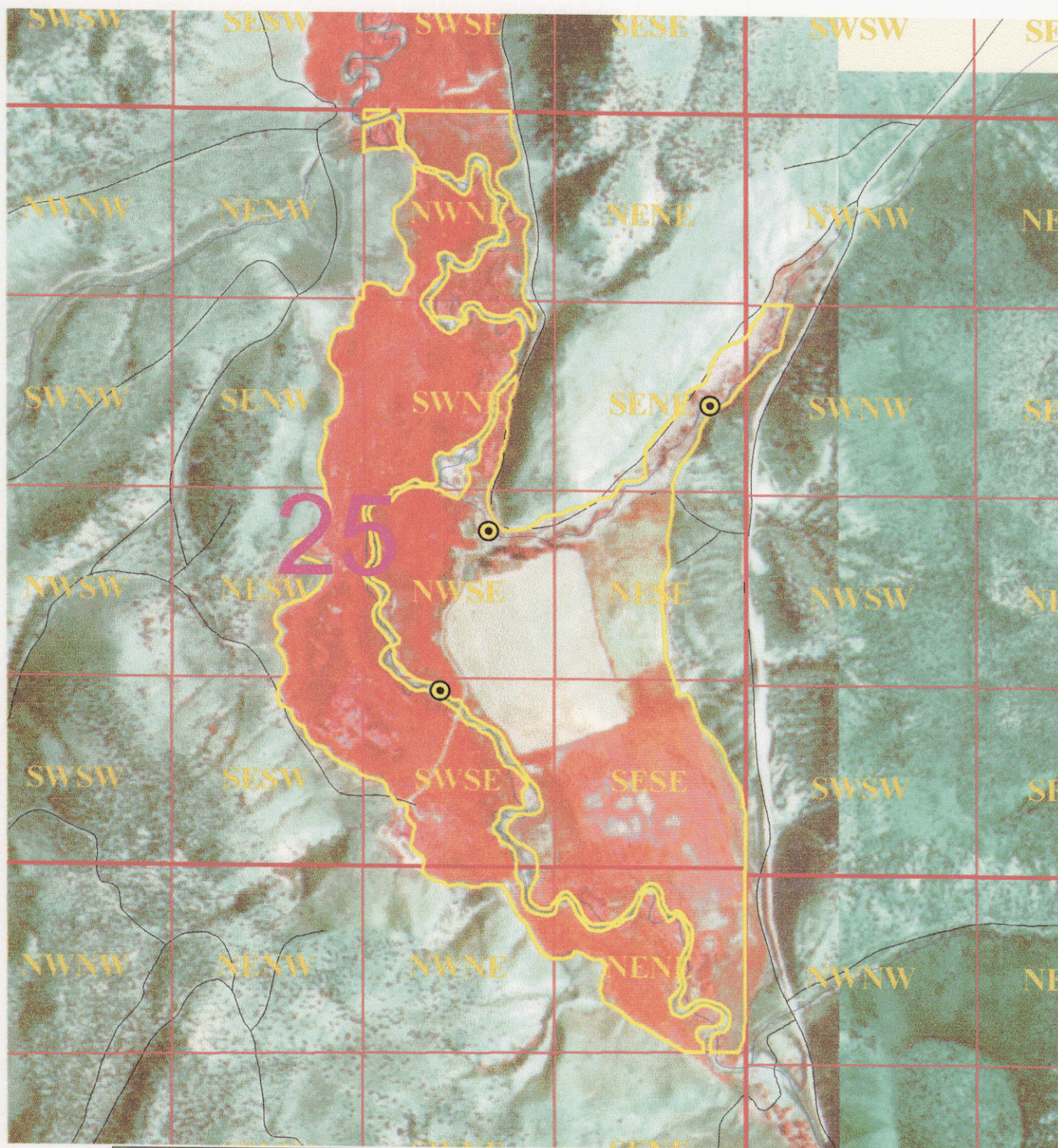


Townships , 15S21E, 15S22E



[illegible]

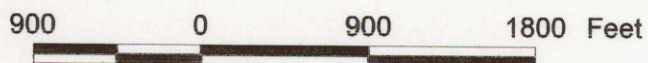
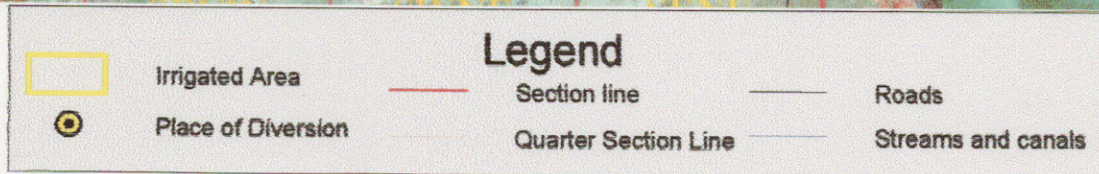
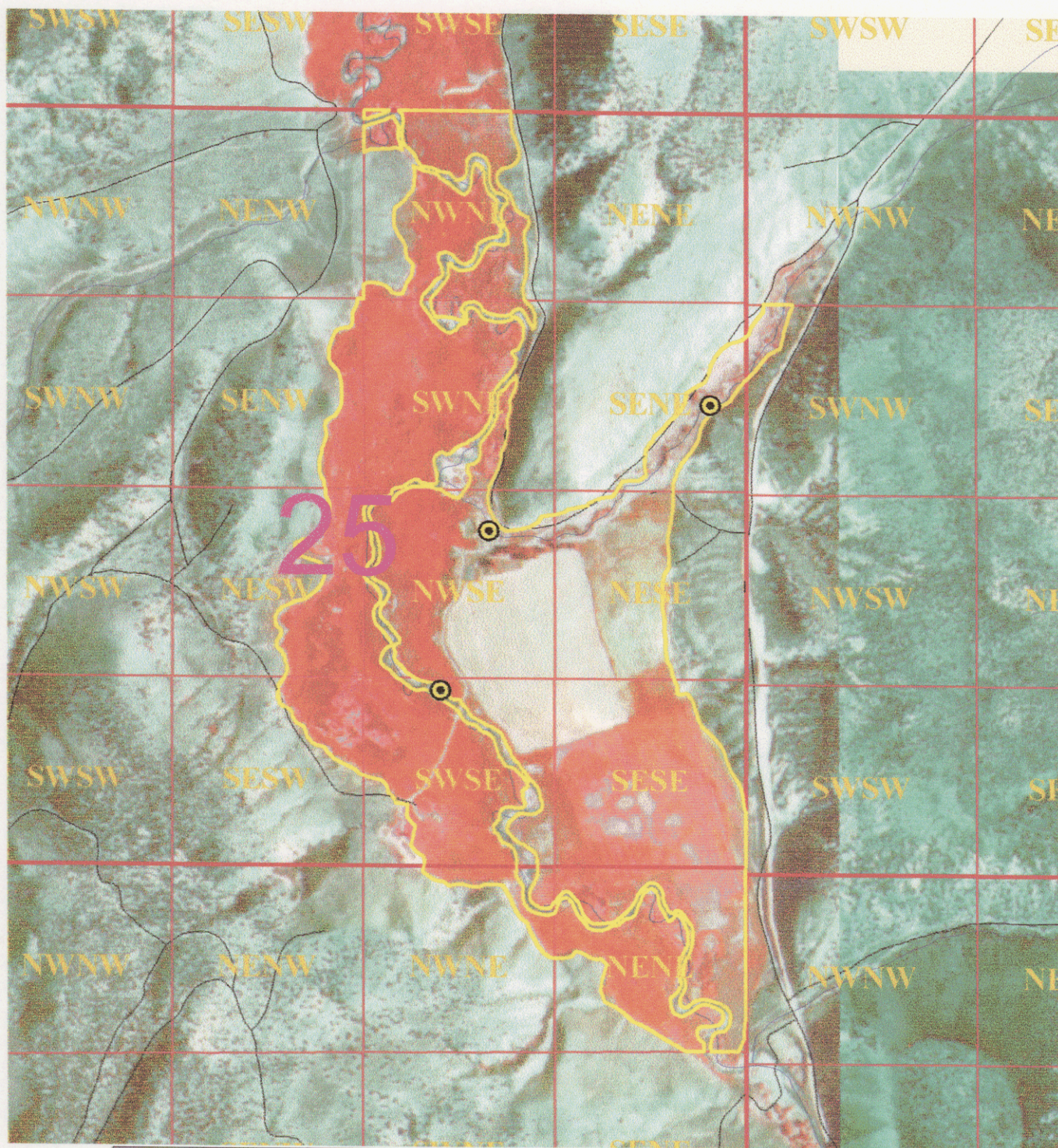
Townships , 15S21E, 15S22E



Water Right Claim Number A45-00151

02/29/2000

Townships , 15S21E, 15S22E



AJ5809NP
No. A45-00151

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/21/00
PAGE: 9

OWNER
CODE NAME & ADDRESS
C CARL AUSTIN

PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
02/21/1925	IRRIGATION STOCKWATER	04-15 07-20 01-01 12-31	4.300 CFS 0.120 CFS	

TOTAL DIVERSION: 4.300 CFS

Water Source: GOOSE CREEK
COLD CREEK

Tributary to: SNAKE RIVER
GOOSE CREEK

Stage: DECREED

Point(s) of Diversion: T15S R21E S25
R22E S31 SESENE
N4NWSW N4NWSW
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE								
T	R	S	NE	SE	NE	SE	NE	SE	SUM					
15S	21E	25	21	27	10	07	10	06	27	24	29	37		
15S	21E	36	11	01										
15S	22E	30				05								
													TOTAL ACRES	215.0

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

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER, UP TO 500 BEEF STOCK

Other Rights: A45-07173A, A45-10248

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A45-12461 A45-12526 A45-07173A A45-07451 A45-10248 A45-11051 A45-12461 A45-12526 A45-12877 A45-11051

Other Water Rights Listing Overlapping Place(s) of Use:
A45-07173A A45-07173B A45-10248 A45-07173B

Remarks: GEN SEE DECREE FOR LIMITATIONS ON DIVERSION.
PRIORITY DATE NOT GIVEN IN DECREE.
DECREE CONSISTS OF 215 INCHES OF GOOSE CR. & TRIBUTARIES.
1 DAM & 1 PUMP ON EACH CREEK. SEE ATTACHED MAP.
5 ACRES IRRIGATED IN SECTION 30, SWNW, IS OWNED BY BLM.
OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD
TO MR & MRS AUSTIN. 12/7/1992 RVW

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 45C Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A45-00151

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/21/00
PAGE: 10

Audit: 03/14/89 WHITE 12/07/92 WORSTELL 03/28/94 CLELLAND 03/30/95 POST-STD