

07/07/2004

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

RIGHT NUMBER: 25-2001A

NAME AND ADDRESS: O W RANCHES INC
C/O KENNETH F O BRIEN
364 JUDD LN
COALVILLE UT 84017

SOURCE: EAGLE CREEK TRIBUTARY: GRAYS LAKE

QUANTITY: 4.200 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/09/1903

POINT OF DIVERSION:
T04S R44E S29 SWNE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	4.200 CFS
STOCKWATER	04/01 11/01	0.020 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T04S R43E S25	NESW	28.0	T04S R43E S25	NESE	37.0
T04S R43E S25	NWSE	40.0			

STOCKWATER Within BONNEVILLE County

T04S R43E S25	NESW		T04S R43E S25	NESE	
T04S R43E S25	NWSE				

105 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1970 TO 1988.

EXPLANATORY MATERIAL: License

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 25-2001A
Date Received: 9/12/1989
Receipt No: E010307
Received By:

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

1. Name of Claimant(s)

O W RANCHES INC Phone: (435)336-2282

C/O KENNETH F O BRIEN
364 JUDD LN
COALVILLE UT USA 84017

2. Date of Priority: 12/09/1903

3. Source: EAGLE CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	44E	29	NE NE	BONNEVILLE	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	5.3	
STOCKWATER	04/01	11/01	0.02	

7. Total Quantity Appropriated is:
5.3 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
04S	43E	25	NE SE	IRRIGATION	40
			NW SE	IRRIGATION	33
			NE SW	IRRIGATION	22
			SE SE	IRRIGATION	3
			SW SE	IRRIGATION	2

SE SW IRRIGATION 5
Section Acres 105
Total Acres 105

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:
14. Remarks:

CLAIM AMENDED TO ADD CFS OF ORIGINAL LICENSE TO COMPENSATE FOR CONVEYANCE LOSSES THROUGH LONG DITCH FROM EAGLE CREEK. AMENDMENT ALSO ADDS 10 ACRES TO POU.

Place of use for stockwater same as irrigation.

15. Basis of Claim: License

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 Organizations:

I do solemnly swear or affirm that I am Pres. of _____

OW Rancher Inc Title
Organization, that I have signed the foregoing document in the space below as _____ of

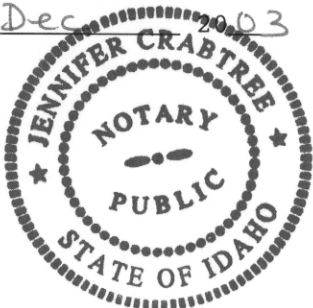
OW Rancher Inc Title
Organization and that the statements contained in the foregoing document are true and correct. Kenneth R. O'Brien
Signature of Authorized Agent

Pres
Title and Organization

12-5-03
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5th
of Dec 2003



Jennifer Crabtree
Notary Public

Residing at Idaho Falls ID

My commission Expires 9/23/09

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 25-2001A
Date Received: 9/12/1989
Receipt No: E010307
Received By: E027541

AMENDED

AMENDED

3/14/02 ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

O W RANCHES INC Phone: (801)336-2282
10095 SOUTH 1000 WEST
SOUTH JORDAN UT 84065

2. Date of Priority: 12/09/1903

3. Source: EAGLE CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4	of 1/4 Lot	County	Type
04S	44E	29	NE	NE	BONNEVILLE	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	5.3	

7. Total Quantity Appropriated is:
5.3 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
04S	43E	25	NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	33
			NE	SW		IRRIGATION	22

SE	SE	IRRIGATION	3
SW	SE	IRRIGATION	2
SE	SW	IRRIGATION	5
Section Acres			105
Total Acres			105

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:

14. Remarks:

CLAIM AMENDED TO ADD CFS OF ORIGINAL LICENSE TO COMPENSATE FOR CONVEYANCE LOSSES THROUGH LONG DITCH FROM EAGLE CREEK. AMENDMENT ALSO ADDS 10 ACRES TO POU.

15. Basis of Claim: License

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: 3

For Organizations:

I do solemnly swear or affirm that I am Pres. of

OW Ranch Inc Title
Organization, that I have signed the foregoing

document in the space below as Pres. of

OW Ranch Inc Title
Organization and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Pres.
Title and Organization

Mar. 14 02
Date

State of Idaho)
County of Bonneville) SS.

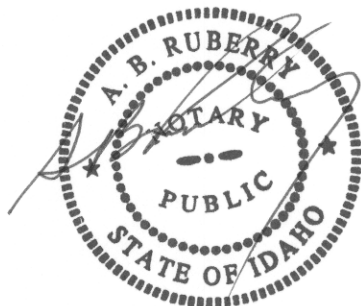
Subscribed and sworn (or affirmed) before me this 14th

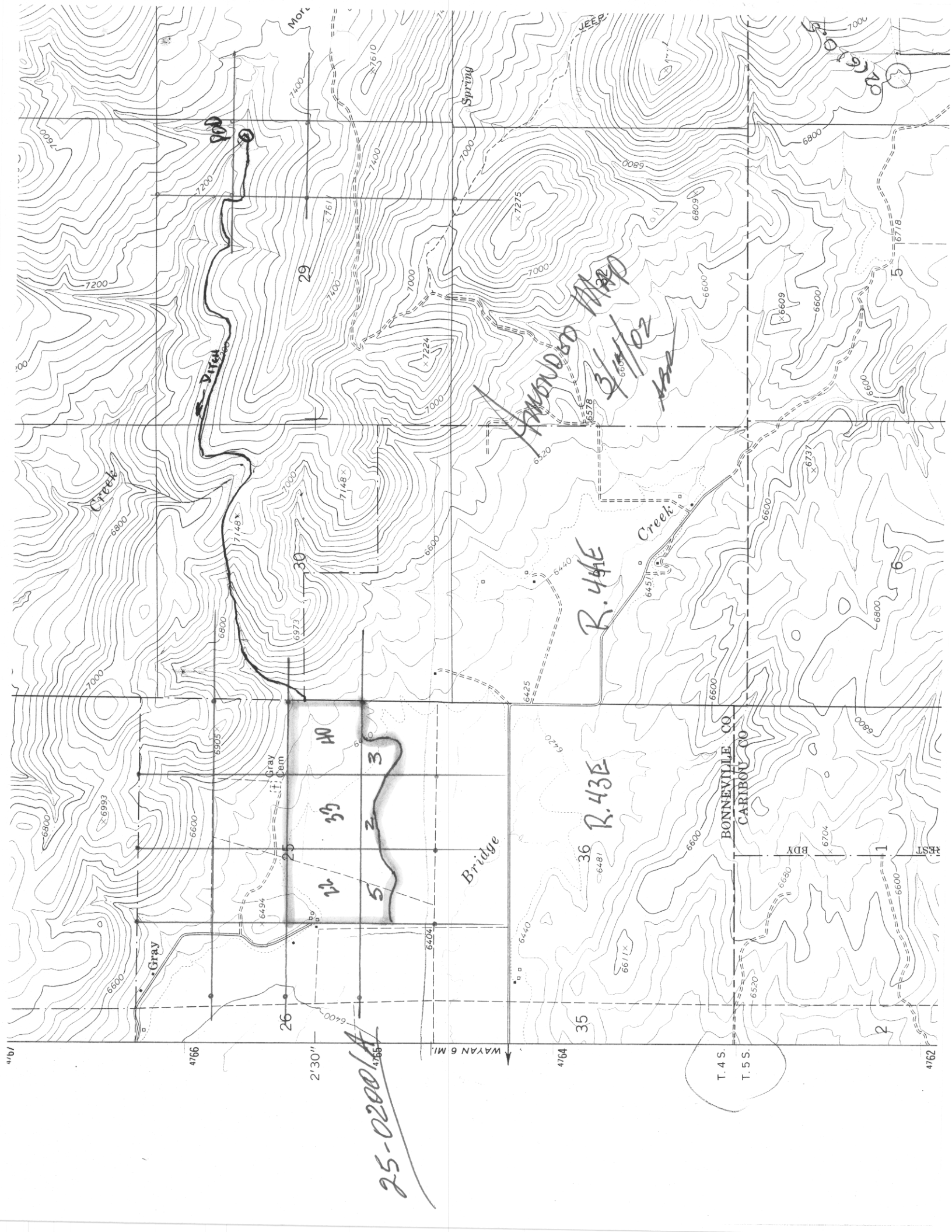
of MARCH 2002

Aaron B. Ruberry
Notary Public

Residing at Edna Faus Rd

My commission Expires 9/23/03





DATE: 10/18/00
PAGE: 19

DIVERSION
VOLUME

262.50 AFA

Stage: LICENSE

Bonneville County

SUM

95.0

95.0

Other Rights: NONE

Objection Filed Date:

Presumption Flag:

Audit: 09/12/89 WILSON 03/29/95 POST-STD

BONNEVILLE CO SHOWS:
BRIDGE CR CEMETERY

Bingham County *
Eagle Creek *
5.3 sec. ft. *
Irrigation *
Priority 12-9-03 *

29-02001A

1 of 2

STATE OF IDAHO
Water License No. 366.

WHEREAS, On the 9th day of December, A. D. 1903, JOHN O. HEATH, GEORGE MUIR and PERRY TINGEY of Gray, County of Bingham and State of Idaho, duly made application (No. 564) to me for a permit to use 8 cubic feet per second of the waters of Eagle Creek, County of Bingham, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 9th day of December, A. D. 1903, Permit No. 366 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 9th day of December, A. D. 1905, and for the application to beneficial use of said water on or before the 9th day of December, A. D. 1907, and,

WHEREAS, On the 6th day of November, A. D. 1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of 8 cubic feet per second of said waters, as evidenced by my Certificate No. 366, dated November 28, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 8 cubic feet per second of water, with date of priority of December 9, 1903, and,

WHEREAS, On the 4th day of November, A. D. 1907, proof was duly made of the application to beneficial use of 5.3 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN O. HEATH, GEORGE MUIR and PERRY TINGEY, of Gray, Idaho, the holders and owners of said Permit No. 366, a perpetual right, dating from December 9, 1903, to the use of 5.3 cubic feet per second of the waters of Eagle Creek in the County of Bingham and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northeast quarter of Northwest Quarter (NE¹NW¹) Section 30, Township 4 South, Range 44 East of Boise Meridian, and conducted to and upon the following described lands:

JOHN O. HEATH	) Northwest quarter of Northeast quarter, Sec. 35,	25 Acres.	
	) Southwest quarter of Southeast quarter, " 26,	35 "	
	) Township 4 South, Range 43 East of Boise Meridian.		
GEORGE MUIR	(Southeast quarter of Southwest quarter, Sec. 30,	15 "	
	(Northeast quarter of Northwest quarter, " 31,	20 "	
	(Southeast quarter of Northwest quarter, " 31,	40 "	
	(Southwest quarter of Northwest quarter, " 31,	25 "	
	(Township 4 South, Range 44 East of Boise Meridian.		
PERRY TINGEY	) Northeast quarter of Southeast quarter, Sec. 25,	30 "	
	) Northwest quarter of Southeast quarter, Sec. 25,	40 "	
	) Southwest quarter of Northeast quarter, Sec. 25,	20 "	
	) Southeast quarter of Northwest quarter, Sec. 25,	15 "	
	) Township 4 South, Range 43 East of Boise Meridian.		

105 ac

Actual Diversion is in Sec. 29
@ NESENE (see map)

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise,
Idaho, this 15th day of November, A.D. Nineteen Hundred
and seven.

(SEAL)

Jas. Stephenson, Jr.

Recorded November 15, 1907.

State Engineer.