

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: **A45-00432**  
Date Received: 6/ 8/1989  
Receipt No: S007658  
Received By: su

Amended

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

Amended

1. Name: PICKETT RANCH AND SHEEP CO 208-862-3482  
Address: ROUTE 1 BOX 80  
OAKLEY ID 83346

2. Date of Priority: APR 12, 1892

3. Source: COTTONWOOD CREEK Trib. to: DRY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 12S      | 21E   | 28      | SE     | SE     | SE     |     | CASSIA |

5. Description of diverting works:  
HEADGATES AND CONCRETE DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.960 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.120 |      |        |

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

8. Total consumptive use is 360.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 400 BEEF

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 13S      | 22E   | 18      | NW     | NE     |     | IRR   | 20.0  |
|          |       |         | NW     | NE     |     | STOCK |       |
|          |       |         | NE     | NW     |     | IRR   |       |

**MICROFILMED**

DEC 3 1996

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|---------------|-------|---------|--------|-----|-----|-------|-------|
| 13S           | 22E   | 18      | NE     | NW  |     | STOCK |       |
|               |       |         | SW     | NW  |     | IRR   | 40.0  |
|               |       |         | SW     | NW  |     | STOCK |       |
|               |       |         | SE     | NW  |     | IRR   | 40.0  |
|               |       |         | SE     | NW  |     | STOCK |       |
| Section Acres |       |         |        |     |     |       | 140.0 |
| Total Acres   |       |         |        |     |     |       | 140.0 |

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:  
A45-00431

14. Remarks:

NOTICE OF OWNER CHANGE RECEIVED 11/13/1992; MABEYS SOLD TO  
PICKETT RANCH & SHEEP CO. COPY OF WARRANTY DEED ON FILE.

12/10/1992 RVW.

IN SOME YEARS, THE RIGHT TO BENEFICIALLY USE THIS WATER FOR IRRI-  
GATION PURPOSES AT ANY TIME DURING THE YEAR, INCLUDING THE NON-  
IRRIGATION SEASON AS SET BY IDWR, IS RESERVED BY THIS CLAIM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN IVERSON ET AL  
Decree Plaintiff

NORMAN ISACHSON 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 \_\_\_\_\_ 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 Vice-President of  
Title  
Pickett Ranch & Sheep Company, that I have signed the foregoing  
Organization  
document in the space below as Vice-President of  
Title  
Pickett Ranch & Sheep Company and that the statements contained in the  
Organization  
foregoing document are true and correct.

Don L. Pickett  
Signature of Authorized Agent  
Vice President  
Pickett Ranch & Sheep Co.  
Title and Organization  
March 7, 1995  
Date

State of Idaho )  
County of TWIN FALLS ) SS.

Subscribed and sworn (or affirmed) before me this 7<sup>th</sup> day  
of March 19 95

Shirley C. [Signature]  
Notary Public

Seal

Residing at Twin Falls  
My Commission Expires 12/7/2000

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: **A45-00432**

Date Received: 6/ 8/1989

Receipt No: S007658

Received By: \_\_\_\_\_

*Change of Owner*

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

1. Name: PICKETT RANCH AND SHEEP CO 208-862-3482  
Address: ROUTE 1 BOX 80  
OAKLEY ID 83346

2. Date of Priority: APR 12, 1892

3. Source: COTTONWOOD CREEK Trib. to: DRY CREEK

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| Township | Range | Section | 1/4 | of | 1/4 | of | 1/4 | Lot | County |
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HEADGATES AND CONCRETE DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.960 |      |        |

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

8. Total consumptive use is 360.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 13S      | 22E   | 18      | NW  |    | NE  |     | IRR | 20.0  |
|          |       |         | NE  |    | NW  |     | IRR | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR | 40.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 140.0 |
|          |       |         |            |     | Total Acres   | 140.0 |

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:  
A45-00431

14. Remarks:

NOTICE OF OWNER CHANGE RECEIVED 11/13/1992; MABEYS SOLD TO  
PICKETT RANCH & SHEEP CO. COPY OF WARRANTY DEED ON FILE.  
12/10/1992 RVW.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

JOHN IVERSON ET AL

Decree Plaintiff

NORMAN ISACHSON 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 \_\_\_\_\_ 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: \_\_\_\_\_

MICROFILMED

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

MICROFILMED  
MAR 07 1993



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

# RECEIVED

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

NOV 18 1992

DATE OF CLOSING: 23432

Department of Water Resources  
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.

If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit "A" for legal description

☐ 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: 45-00431, 45-02425 and 45-00432

☐ Name and Address of Former Owner/Claimant(s)(Seller): Donald L. Mabey and Barbara J. Mabey  
Route #1 Box 84  
Oakley, Idaho 83346

☐ New Owner/Claimant (Purchaser): Pickett Ranch and Sheep Co.

☐ New Mailing Address: Route #1 Box 80  
Oakley, ID 83346

☐ New Telephone Number: (208) 362-3482

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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: recorded Warranty Deed

(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): PICKETT RANCH and SHEEP CO.  
By: *[Signature]* V.P. Secretary Date 10-27-92  
☐ Signature of Former Owner/Claimant(s): *[Signature]* Date 10-27-92  
Donald L. Mabey Date \_\_\_\_\_

(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

EXHIBIT "B"

Taxes for 1993 and subsequent years.

Power Line Easement from Daniel L. Mabey and Mrs. Vernie Mabey, his wife, to Idaho Power Company, a corporation, dated August 21, 1953, recorded November 7, 1953, as Instrument No. 180388 in Book 15 of Miscellaneous, Page 29, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across Lot 2 of Section 18, Township 13 South, Range 22 East of the Boise Meridian.

Power Line Easement from D. L. Mabey and Vernie Mabey, his wife, to Idaho Power Company, a corporation, dated May 21, 1953 and recorded April 27, 1954 as Instrument No. 182242 in Book 15 of Miscellaneous, Page 131, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  and a portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  in Section 20, Township 13 South, Range 22 East of the Boise Meridian.

RECORDED AT THE REQUEST OF  
LAND TITLE & ESCROW  
FILM 239  
1992 OCT 28 A 9:42  
CASSIA COUNTY, IDAHO  
FRANK B. KEARNS  
RECORDER  
FEE 1500. DEPUTY *MM*  
LAND TITLE & ESCROW

221640

MICROFILMED  
MAR 07 1993

TRACT NO. 2:

Beginning at the West quarter section corner of said Section 20, said corner marked by a 5/8 inch rebar; thence North 0°09'50" West along section line for 1278.63 feet to a 1/2 inch rebar which shall be the Point of Beginning;  
Thence North 00°09'50" West along section line for a distance of 151.78 feet to a 1/2 inch rebar;  
Thence South 89°22'29" East for a distance of 230.95 feet to a 1/2 inch rebar;  
Thence South 00°21'54" East for a distance of 147.48 feet to a 1/2 inch rebar;  
Thence South 89°33'30" West for a distance of 231.45 feet to the Point of Beginning.

PARCEL NO. 4:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 20: Commencing 40 rods South of the Northwest corner of the Northwest quarter of Section 20;  
Thence East 10 rods;  
Thence South 6 rods;  
Thence West 10 rods;  
Thence North 6 rods to the Point of Beginning.

MICROFILMED  
MAR 07 1993

221640

## WARRANTY DEED

For Value Received

DONALD MABEY, also known as Donald L. Mabey and BARBARA MABEY, also known as Barbara J. Mabey, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

PICKETT RANCH and SHEEP CO.

Address: Route # 1 Box 80

Oakley, ID 83346

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

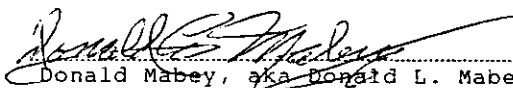
See attached Exhibit "A" for legal description.

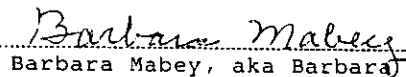
See attached Exhibit "B" for exceptions.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 428.12 shares in the Oakley Canal Company and 2 shares in the Marion Pipeline Company and water rights under State of Idaho Adjudication Numbers 45-00431, 45-02425 and 45-00432.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 27, 1992

  
Donald Mabey, aka Donald L. Mabey

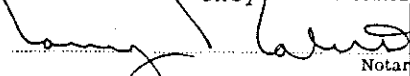
  
Barbara Mabey, aka Barbara J. Mabey

STATE OF IDAHO, COUNTY OF Cassia

On this 27th day of October, 1992  
before me, a notary public in and for said State, personally appeared

Donald Mabey and Barbara Mabey

known to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged  
to me that they executed the same.

  
Notary

LARRY ROBERTS  
NOTARY PUBLIC  
STATE OF IDAHO

Residing at  
Commission expires:

Burley  
6-30-97

Residing at Burley, Idaho  
My Commission Expires 6-30-97

MICROFILMED  
MAR 07 1993

Tract No. 2:

Beginning at the Southeast corner of said Section 18,  
said corner marked by a 5/8 inch rebar; thence  
North 0°00'00" East along section line for 256.67  
feet to a 1/2 inch rebar which shall be the Point of  
Beginning;  
Thence South 89°33'15" West for a distance of 263.35  
feet to a 1/2 inch rebar;  
Thence North 00°25'35" East for a distance of 196.25  
feet to a 1/2 inch rebar;  
Thence North 71°18'40" East for a distance of 55.58  
feet to a 1/2 inch rebar;  
Thence North 01°20'08" East for a distance of 18.77  
feet to a 1/2 inch rebar;  
Thence South 87°40'35" East for a distance of 208.97  
feet to a 1/2 inch rebar on section line;  
Thence South 00°00'00" East along section line for a  
distance of 222.30 feet to the Point of Beginning.

Tract No. 3:

Beginning 80 rods North of the Southeast corner of  
said Section 18;  
Thence West 20 rods;  
Thence South 25 rods;  
Thence East 20 rods;  
Thence North 25 rods to the Point of Beginning.

Tract No. 4:

Beginning at the Northwest corner of the SW1/4SE1/4 of  
said Section 18;  
Thence South along the West line 1269 feet to the  
North side of a cement ditch right of way;  
Thence East 516 feet along the ditch right of way;  
Thence North 1269 feet to the North line of said  
SW1/4SE1/4;  
Thence West along the North line 516 feet to the  
Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 20: Beginning at the Northwest corner of Section 20;  
Thence East 1584 feet;  
Thence South 660 feet;  
Thence East 132 feet;  
Thence South 1320 feet;  
Thence West 1716 feet, more or less, to the West  
line of said Section 20;  
Thence North to the Point of Beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS:

TRACT NO. 1:

Commencing 40 rods South of the Northwest corner of  
the Northwest quarter of Section 20;  
Thence East 10 rods;  
Thence South 6 rods;  
Thence West 10 rods;  
Thence North 6 rods to the Point of Beginning.

-Continued-

MICROFILMED  
MAR 07 1993

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

- Section 17: Beginning 1707.75 feet South of the Northwest corner of said Section 17;  
Thence 668.25 feet East;  
Thence North 387.75 feet;  
Thence East 198 feet;  
Thence South 552.75 feet;  
Thence West 206.25 feet;  
Thence South 660 feet;  
Thence West 41.25 feet;  
Thence South 72 feet;  
Thence West 618.75 feet;  
Thence North 897 feet to the Point of Beginning.
- Section 17: Beginning 462 feet North of the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 17;  
Thence North 16.5 feet;  
Thence East 1320 feet;  
Thence South 16.5 feet;  
Thence West 1320 feet to the Point of Beginning.
- Section 17: Beginning at the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 17;  
Thence North 462 feet;  
Thence East 1320 feet;  
Thence South 462 feet;  
Thence West 1320 feet to the Point of Beginning.
- EXCEPTING THEREFROM the following described tract:
- Beginning at the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 17;  
Thence North 100 feet;  
Thence East 100 feet;  
Thence South 100 feet;  
Thence West 100 feet to the Point of Beginning.
- Section 18: E $\frac{1}{2}$ NW $\frac{1}{4}$ , Lot 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

- Section 18: All of the S $\frac{1}{2}$ SE $\frac{1}{4}$  EXCEPTING THEREFROM the following described tracts:
- Tract No. 1:  
Beginning 108 rods South of the Northeast corner of the SE $\frac{1}{4}$  of said Section 18;  
Thence South 16 rods 15 feet;  
Thence West 34 rods 9 feet;  
Thence North 44 rods;  
Thence East 13 rods 7 feet;  
Thence South 27 rods 2 $\frac{1}{2}$  feet;  
Thence East 18 rods 10 feet to the Point of Beginning.

-Continued-

MICROFILMED  
MAR 6 7 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.

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NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DONALD L. MABEY 208-862-3405  
Address: RT. 1, BOX 84  
OAKLEY, ID 83346

2. Date of Priority: APR 12, 1892

3. Source: COTTONWOOD CREEK Trib. to: DRY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
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| IRRIGATION | 03/15 | 11/15 | 0.960  |      |        |

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

8. Total consumptive use is 360.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 13S      | 22E   | 18      | NW     | NE  |     | IRR | 20.0  |
|          |       |         | NE     | NW  |     | IRR | 40.0  |
|          |       |         | SW     | NW  |     | IRR | 40.0  |

A45-00432

Page 1

Date: 06/08/89

MICROFILMED  
MAR 07 1993

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 13S           | 22E   | 18      | SE     | NW  |     | IRR | 40.0  |
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| Total Acres   |       |         |        |     |     |     | 140.0 |

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:  
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14. Remarks:

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

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Decree Plaintiff

vs

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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): *[Signature]* Date: 6-8-89  
Date: \_\_\_\_\_

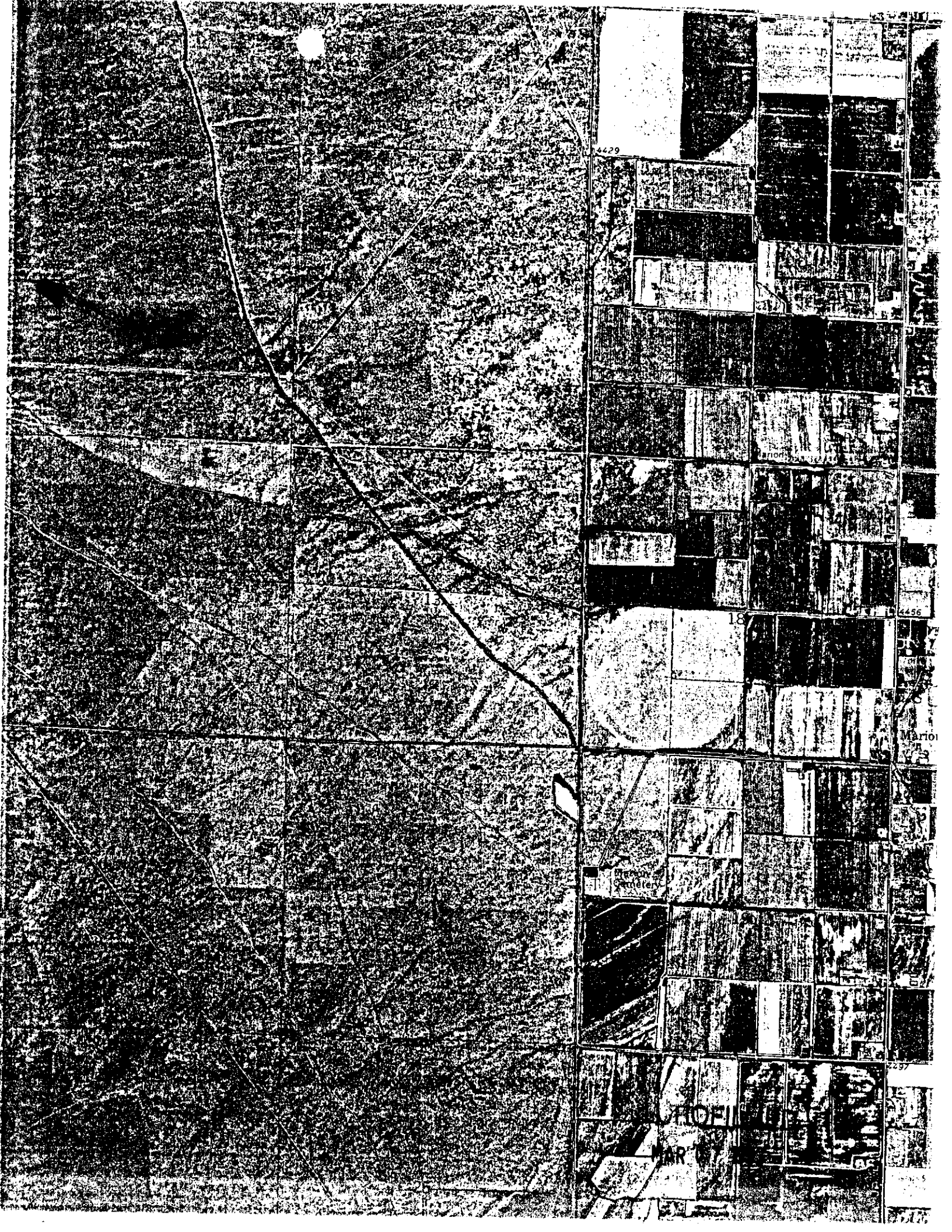
State of Idaho )  
County of Twin Falls. ) SS.

Subscribed and sworn (or affirmed) before me this 8<sup>th</sup> day  
of June 19 89

*[Signature]*  
Notary Public

Seal

Residing at Helen Harrington, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 1, 1994



4429

18

4456

Marion

Marion

2297

CHOFI

PAR

2297



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

10-Dec-1992

PICKETT RANCH AND SHEEP CO.  
P O BOX 80  
OAKLEY ID 83346

Re: Ownership changes for Adjudication Claims No. A45-00431,  
A45-00432 & A45-02425

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 records of the current owners as you requested. Please find enclosed copies of the computer records of the claims noting the change in claimant.

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

Sincerely,

A handwritten signature in cursive script that reads "Robert Worstell".

Robert Worstell  
Sr Adjudication Agent

Enclosures

MICROFILMED

MAR 07 1993

07/10/2003

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

RIGHT NUMBER: 45-432

NAME AND ADDRESS: PICKETT RANCH & SHEEP CO  
1650 S 570 W  
OAKLEY ID 83346

SOURCE: BIG COTTONWOOD CREEK TRIBUTARY: DRY CREEK

QUANTITY: 0.960 CFS

PRIORITY DATE: 04/12/1892

POINT OF DIVERSION:  
T13S R21E S8 SENESE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3/15 11/15           | 0.960 CFS       |

PLACE OF USE: IRRIGATION Within CASSIA County

|                     |      |      |               |      |      |
|---------------------|------|------|---------------|------|------|
| T13S R22E S18       | NWNE | 20.0 | T13S R22E S18 | NENW | 38.0 |
| T13S R22E S18 Lot 2 | SWNW | 45.0 | T13S R22E S18 | SENW | 37.0 |

140 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-431 IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 140 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 87 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

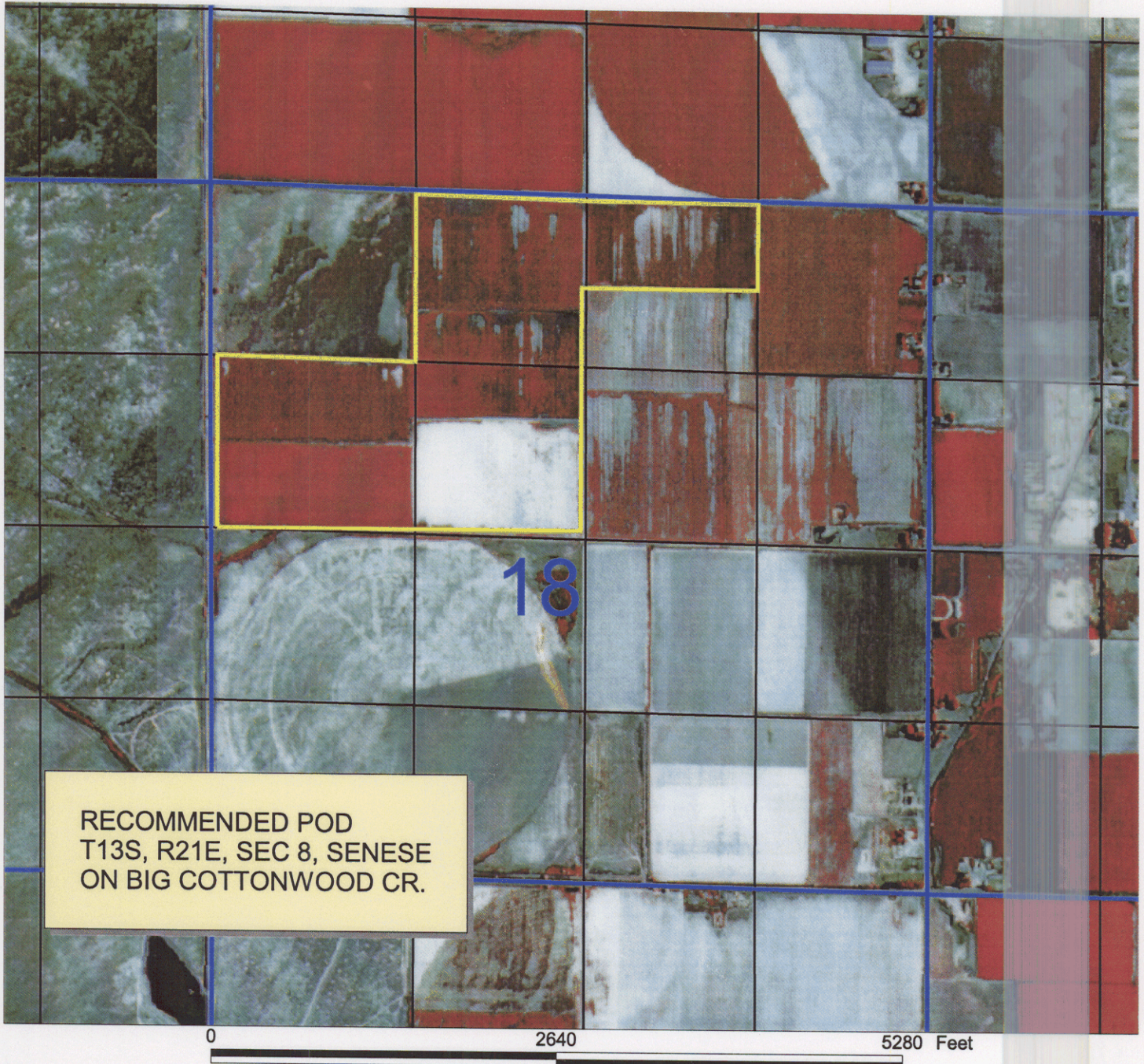
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

# Idaho Department of Water Resources

**RIGHTS: 45-431 & 45-432**

**RECOMMENDED PLACE OF USE  
TWP 13S, RNG 22E,  
PREPARED JULY 08, 2003**



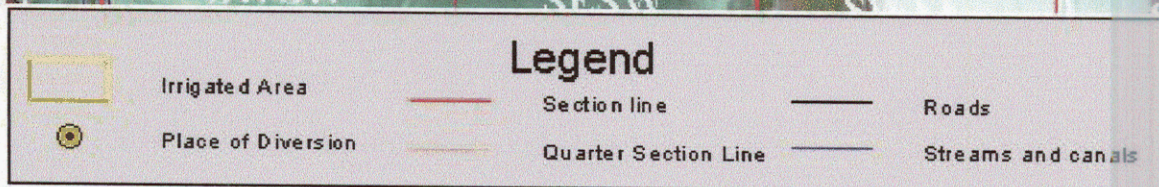
-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER SECTION LINES**



**GIS PLACE OF USE PRESENTATION  
1987 NAPP AERIAL PHOTOGRAPHY**

**PREPARED BY VIKIE HANCOCK**

Township , 13S22E



Accomp Transfer from NWNW to NW NE Sec 18

## COMMUNICATION DOCUMENTATION

From: Vikie Hancock

July 8, 2003

Regarding:

Customer:

Year round stock water from Cottonwood Creek

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This date I communicated with Deputy Attorney General Garrick Baxter who agreed with my interpretation that neither the Cauldwell v Anderson nor Iverson v Isaacson decrees on Cottonwood Creek supported the addition of year-round stock water uses on decreed rights, as claimed by several claimants in the SRBA.

#7714. C

THIS INDENTURE, Made this 13th day of August, in the year of our Lord one thousand nine hundred and nine, between Benjamin K. Homer and Ettie Homer, his wife, of Marion, County of Cassia, State of Idaho, the parties of the first part, and J. Wyley Sessions of Marion, County of Cassia, State of Idaho, the party of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of (2500) Twenty Five hundred Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in Marion, County Cassia, State of Idaho, to wit:

Lot number one (1) and the North half of the East half of the North west quarter of Section eighteen in township thirteen South of Range twenty two east of the Boise Meridian.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered  
in the presence of

B. P. Howells

B. K. Homer (Seal)  
Ettie Homer (Seal)

State of Idaho, )  
County of Cassia ) ss.

On this 13th day of August, in the year 1909, before me, B. P. Howells, a Notary Public in and for said County, personally appeared Benjamin K. Homer and Ettie Homer, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

45-0432

and year in this certificate first above written.

(Notary Seal)

B. P. Howells, Notary Public.

Filed for record at the request of J. B. Randall at 7:20 A.M. Aug. 18th, 1909.

Jos. Y. Haight, County Recorder.

#7715. ①

THIS INDENTURE, Made the 13th day of August, in the year of our Lord one thousand nine hundred and nine, between Benjamin K. Homer and Etvie Homer, his wife, of Marion, County of Cassia, State of Idaho, the parties of the first part, and J. Wyley Sessions of Marion, County of Cassia, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Eight hundred Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, forever, all that certain water right, lot, piece or parcel of land situate, lying and being in County of Cassia, State of Idaho, bounded and particularly described as follows, to wit:

The right to the use of the waters of Goose Creek and Cottonwood Creek as follows, to wit: One inch of water dated April first 1876, Chaplin water, from Goose Creek; Forty eight inches of water of Cottonwood said water is a portion of the water decreed to J. J. Mabey.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

B. K. Homer

(Seal)

45-0432

45 0420 John Iverson, One Hundred (100) inches.  
 45 0421 Peter Anderson, One Hundred (100) inches.  
 45 0422 William Rivers, eighty-five (85) inches.  
 45 0423 Wilburn Rose, one hundred and twenty-three (123) inches.  
 45 0424 Thomas J. Stanger, one hundred and twenty-five (125) inches. \*  
 45 0425 Lafayette Rose, one hundred and twenty-five (125) inches. Trans 15-16  
 45 0426 John Rose, eighty (80) inches. #44-16  
 45 0427 William H. Poulton, eighty (80) inches.  
 45 0428 Richard Poulton, Eight (80) inches.  
 45 0429 Samuel Poulton, one hundred and sixty (160) inches  
 45 0430 H. H. Sessions, eighty-six (86) inches.  
 45 0431 B. K. Homer, forty-eight (48) inches  
 45 0432 Mrs. Danellette Maby, as administratrix of the estate  
 of J. J. Maby, deceased, forty-eight (48) inches.  
 45 0433 Mrs. Margaret Bray, one hundred and thirty-six (136) inches.  
 45 0434 David M. Johns, forty (40) inches.  
 45 0435 John L. Cooper, seventy-five (75) inches. (Price, Judge) Trans 103

All said amounts to date from April 12th, 1892, said amount of water herein decreed being in addition to the amounts heretofore and on the 12th day of April, 1892, decreed to the parties hereto and to their grantors and predecessors in interest, in this court in that certain action entitled A. V. Caldwell, Jr., et al, plaintiffs, vs. Peter Anderson, et al, defendants; the waters of said stream herein decreed being the surplus water thereof over and above the amounts decreed and distributed in said action.

And it being made to appear to the court that there is flowing in the said stream at periods of freshet a quantity of water in excess of the aggregate allotments of this and the said former decrees upon the said stream, it is hereby adjudged and decreed that the defendant Norman Isachsen may take said excess over and above the allotments in said two decrees, and conserve the same in a reservoir or reservoirs, the same to be devoted to a useful and beneficial purpose, for irrigation of lands or otherwise.

It is further ordered, adjudged and decreed that in case of insufficiency of water to supply all parties, the entire volume of the water of said stream is to be devoted to and used by those appropriators who are first in time under the allotments of the said first decree. ( Price, Judge

It is further ordered, adjudged and decreed that the following named defendants whose default has been entered herein, be and they and each of them are hereby forever

## Water Right Report 45-432

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | MRS D MABY              |
|                   | , ID                    |

**Status:** Active

Tributary

From To

**Total Diversion:**            0.960 CFS

COTTONWOOD CREEK

## IRRIGATION

[illegible]Remarks:

1. General P. U. DESCRIBED IN HOMESTEAD CERT. #154; MODIFIED BY INDENTURES #7714 & 7715  
8-13-1909, CASSIA CO.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00

PAGE: 89

| OWNER<br>CODE    | NAME & ADDRESS                                                                    | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|------------------|-----------------------------------------------------------------------------------|------------------|--------------------------|----------------------------|------------------------|---------------------|
| C                | PICKETT RANCH AND SHEEP CO<br>ROUTE 1 BOX 80<br>OAKLEY ID 83346<br>(208) 862-3482 | 04/12/1892       | IRRIGATION<br>STOCKWATER | 03-15 11-15<br>01-01 12-31 | 0.960 CFS<br>0.120 CFS |                     |
| TOTAL DIVERSION: |                                                                                   |                  |                          |                            | 0.960 CFS              |                     |
| CONSUMPTIVE USE: |                                                                                   |                  |                          |                            |                        | 360.00 AFA          |

Water Source: COTTONWOOD CREEK

Tributary to: DRY CREEK

Stage: DECREED

Point(s) of Diversion: T12S R21E S28 SESESE CASSIA County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |    |             |       |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac          | :     | SUM   |
| 13S | 22E | 18 | : |    |    | 20 |    |    |    | 40 |    | 40 |    | 40 |    |    |    |    |             |       | 140.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 140.0 |       |

Place of use Legal Description for: STOCKWATER

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 13S | 22E | 18 | : |    |    | S  |    |    |    | S  |    | S  |    | S  |    |    |    |    |    | : |

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER, 400 BEEF

Other Rights: A45-00431

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A45-00431

Other Water Rights Listing Overlapping Place(s) of Use:

|           |           |           |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| A45-00093 | A45-00094 | A45-00131 | A45-00132 | A45-00133 | A45-00431 | A45-02040 | A45-02186 | A45-02187 | A45-04273 |
| A45-12438 | A45-12442 | A45-12443 | A45-12449 | A45-12455 | A45-12749 | A45-12750 | R45-00106 | R45-00116 | R45-00128 |
| R45-00131 | R45-02059 | R45-04230 |           |           |           |           |           |           |           |

Remarks: GEN NOTICE OF OWNER CHANGE RECEIVED 11/13/1992; MABEYS SOLD TO  
PICKETT RANCH & SHEEP CO. COPY OF WARRANTY DEED ON FILE.  
12/10/1992 RVW.  
IN SOME YEARS, THE RIGHT TO BENEFICIALLY USE THIS WATER FOR IRRIGATION PURPOSES AT ANY TIME DURING THE YEAR, INCLUDING THE NON-IRRIGATION SEASON AS SET BY IDWR, IS RESERVED BY THIS CLAIM.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 45K Field Inspection Flag:  
Presumption Flag:

AJ5809NP

No. A45-00432

IDAHO DEPARTMENT OF WATER RESOURCES

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Audit: 06/08/89 SSRBA 12/10/92 WORSTELL 03/07/95 SCLELLAN 03/30/95 POST-STD